

6-26-2015

Senor Iguana's v. Idaho State Police Clerk's Record Dckt. 43158

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IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

SENOR IGUANA'S, INC. dba SENOR)	
IGUANA'S and MARCIA E. CORONA,)	
)	
Petitioners-Appellants,	)	Supreme Court No. 43158
)	
v.)	
)	
IDAHO STATE POLICE, BUREAU OF)	
ALCOHOL BEVERAGE CONTROL,)	
)	
Respondent,)	
)	
)	
)	

CLERK'S RECORD

Appeal from the District Court of the Sixth Judicial District of the State of
Idaho, in and for the County of Bannock.

Before **HONORABLE Robert C. Naftz** District Judge.

For Appellant:

Patrick N. George
Brett R. Cahoon
RACINE, OLSON, NYE, BUDGE
& BAILEY, CHARTERED
P.O. Box 1391
Pocatello, Idaho 83204-1391

For Respondent:

Stephanie Altig
Lead Deputy Attorney General
Idaho State Police
700 S. Stratford Drive
Meridian, Idaho 83642

Senor Iguana's, Marcia E. Carona vs. Idaho State Police , Bureau of Alcohol Beverage Co

Date	Code	User	Judge
12/17/2014	LOCT	TAMILYN	IDAHO SUPREME COURT APPEAL: Diane's Desk
	NCOC	TAMILYN	New Case Filed-Other Claims
	COMP	TAMILYN	Complaint Filed
	SMIS	TAMILYN	Summons Issued
		TAMILYN	Filing: AA- All initial civil case filings in District Court of any type not listed in categories E, F and H(1) Paid by: Racine Law Office Receipt number: 0040211 Dated: 12/17/2014 Amount: \$221.00 (Check) For:
		CAMILLE	Petition for Judicial Review
12/23/2014	ORDR	AMYW	Order of Reference; Judge Nye DQ's himself, matter referred to J Dunn for reassignment; /s/ J Nye, 12-23-14
	DISF	AMYW	Disqualification Of Judge - Self
12/31/2014	ORDR	KARLA	Administrative Order of Reference; matter referred to Judge Naftz for Resolution; /s J Dunn 12/31/14
1/5/2015	HRSC	NICOLE	Hearing Scheduled (Motion 01/26/2015 02:00 PM) Motion for Stay Pending Resolution of the Petition for Judicial Review
1/7/2015		CAMILLE	Notice of hearing; set for 1-26-2015 @ 02:00 PM
		CAMILLE	Motion for stay pending resolution of the Petition for Judicial review; aty Patric George fo rplntf
	MEMO	NICOLE	Memorandum in Support of Motion for Stay Pending Resolution of the Petition for Judicial Review filed by Patrick George
	AFFD	NICOLE	Affidavit of Marcia E. Corona In Support of Motion to Stay filed by Patrick George
1/8/2015		CAMILLE	Amended notice of hearing; set for Motin for stay on 1-26-2015 @ 2pm: aty Patrick George for plntf
1/12/2015		CAMILLE	Notice of lodging of agency record;
1/20/2015		CAMILLE	Table of contents for settled agency record:
		CAMILLE	Notice of lodging the settled agency record with the district court; aty STephanie Altig
1/21/2015	ATTR	NICOLE	Plaintiff: Senor Iguanas Attorney Retained Patrick N George
	ATTR	NICOLE	Plaintiff: Carona, Marcia E. Attorney Retained Patrick N George
	ATTR	NICOLE	Defendant: Idaho State Police , Bureau of Alcohol Beverage Co Attorney Retained Stephanie A Altig
		CAMILLE	Motion to appear at hearing by telephone; aty Stephanie Altig

Senor Iguana's, Marcia E. Carona vs. Idaho State Police , Bureau of Alcohol Beverage Co

Date	Code	User	Judge
1/22/2015		CAMILLE	Order granting motion to appear by telephone; s/ Robert C Naftz Judge Naftz 1-21-2015
		CAMILLE	Objection to Petition for judicial review, objection to motion to stay pending resolution of Petition for judicial review and motion for award of reasonable attorney fees and reasonable expenses: aty Stephanie Altig Robert C Naftz
1/28/2015		CAMILLE	Additional authority regarding the United States constitution and the Idaho Constitution and the status of a license to serve alcohol in the State of Idaho; aty Stephanie Altig Robert C Naftz
1/30/2015	DCHH	NICOLE	Hearing result for Motion scheduled on 01/26/2015 02:00 PM: District Court Hearing Held Court Reporter: Stephanie Davis Robert C Naftz Number of Transcript Pages for this hearing estimated: less than 100 pages Motion for Stay Pending Resolution of the Petition for Judicial Review (DAG appearing by phone)
2/2/2015	ADVS	NICOLE	Case Taken Under Advisement as of February 17 Robert C Naftz
		CAMILLE	Minute Entry and Order; court will take this matter under advisement and issue a written decision: s/ Judge Naftz 1-30-2015 Robert C Naftz
2/17/2015		CAMILLE	Supplemental Brief in support of Petition for judicial review and motion to stay; aty Pat George for plntf Robert C Naftz
		CAMILLE	Second affidavit of Maricia E Corona in support of motion to stay; aty Pat George for plntfs Robert C Naftz
3/13/2015		CAMILLE	Memorandum Decision and Order; (court finds that the Petition for Judicial review and Motion to stay is DISMISSED) s/ Judge Naftz 3-10-2015 Robert C Naftz
		CAMILLE	Judgment; Petitioners Petition for Judicial Review and Motion to stay are dismissed with prej: s/ Judge Naftz 3-10-2015 Robert C Naftz
3/20/2015	CSTS	CAMILLE	Case Status Changed: closed Robert C Naftz
4/23/2015		TAMILYN	Filing: L4 - Appeal, Civil appeal or cross-appeal to Supreme Court Paid by: Racine Law Office Receipt number: 0014150 Dated: 4/23/2015 Amount: \$129.00 (Check) For: Senor Iguana's (plaintiff) Robert C Naftz
		DCANO	NOTICE OF APPEAL: Brett R. Cahoon, Attorney for Senor Iguana's Robert C Naftz
	MISC	DCANO	CLERK'S CERTIFICATE OF APPEAL: Signed and Mailed to SC and Counsel on 4-24-15. Robert C Naftz
4/24/2015	MISC	DCANO	Received \$100.00 from Racine, Olson, Nye for Deposit of Clerk's Record on 4-23-15. Robert C Naftz

Patrick N. George (ISB No. 5983)
Brett R. Cahoon (ISB No. 8607)
RACINE, OLSON, NYE, BUDGE
& BAILEY, CHARTERED
P.O. Box 1391/Center Plaza
Pocatello, Idaho 83204-1391
Telephone: (208) 232-6101
Facsimile: (208) 232-6109

RECEIVED
2014 DEC 17 PM 2:14
BY *CW*
TELETYPE

DAVID C. NYE

Attorneys for Plaintiffs

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

SEÑOR IGUANA'S, INC. dba SEÑOR
IGUANA'S and MARCIA E. CORONA,

Petitioners,

vs.

IDAHO STATE POLICE, BUREAU OF
ALCOHOL BEVERAGE CONTROL,

Respondent.

Case No. *CV-2014-4955-α*

PETITION FOR JUDICIAL REVIEW

The Petitioners, Señor Iguana's, Inc. and Marcia E. Corona ("Ms. Corona"), by and through counsel, and pursuant to Idaho Code § 67-5270, § 67-5272 and Rule 84 of the Idaho Rules of Civil Procedure, do hereby submit this Notice of Appeal of the Order to Cease and Desist and Notice of Cancelled Retail Alcohol Beverage License, dated December 9, 2014 and served upon the Petitioners on December 10, 2014 (the "Order"), wherein Petitioners were ordered to cease and desist selling any alcoholic beverages in the state of Idaho. A true and correct copy of the Order is attached hereto as **Exhibit A**.

The agency for which judicial review is sought is the Idaho State Police, Bureau of Alcohol Beverage Control. The Order was entered in Case No. 14ABC026 of the Director of the Idaho State Police. The Petitioners are not aware of any hearing or oral presentation before the agency. The issues for judicial review are presented below, and Petitioners reserve the right to assert additional issues later discovered. Petitioners request a copy of any transcript of the proceedings, if any, that the agency held related to and prior to entering the Order.

As the agency did not conduct a hearing on the matter, the Petitioners request that this Court conduct a de novo review of the Order and that this appeal be tried in the district court. Alternatively, the Petitioners request that the Court allow for the taking of additional evidence and oral argument.

ISSUES ON APPEAL

The issues on appeal include, but are not necessarily limited to:

1. Whether the Order was improperly issued pursuant to Idaho Code § 67-5247 as an emergency proceeding. The facts and circumstances surrounding the Order do not involve an immediate danger. Further, the Order fails to comply with § 67-5247(1), which requires a brief statement in the Order justifying the decision that an immediate danger exists. Lastly, the Respondent, ABC, failed to comply with § 67-5247(3), as it has taken no action to complete the proceedings that would be required had the action not been taken as an "emergency proceeding" under § 67-5247.

2. Whether the Order is improper because ABC already reissued the Liquor License to the Petitioners signaling to the Petitioners that everything in the Petitioners' application to renew the Liquor License and the renewal fee had been properly completed and received. The Petitioners never received notice from ABC that there was anything wrong with the renewal

application or that the Check bounced until their receipt of the Order on December 10, 2014.

Immediately upon receiving the Order and notice that the Check bounced, the Petitioners mailed a certified check to ABC to cover the renewal fee and the insufficient funds handling fee referenced in the Order.

3. Whether the Order is improper because the Liquor License did not expire or cease to exist. The Liquor License was reissued and effective November 1, 2014 through October 31, 2015. The Order was issued during the effective period of the Liquor License. The license was still effective, valid and in existence. ABC's recourse and remedy as a result of the Check bouncing are governed under title 28, chapter 3 of the Idaho Code regarding negotiable instruments and liability of indorsers on such instruments.

4. Whether the Order is improper because it is overly broad in that it orders Petitioner, Senor Iguana's, from selling any alcoholic beverages in the state of Idaho, as opposed to simply limiting Senor Iguana's from selling alcoholic beverages pursuant to the Liquor License, which fails to allow or provide for the possibility that Senor Iguana's may apply for and obtain a beer and wine permit to sell certain alcoholic beverages at some future date.

5. Whether Petitioner is entitled to the attorney's fees incurred in challenging the improper and unlawful actions of ABC, and in bringing this Petition for Review.

DATED this 17th day of December, 2014.

RACINE, OLSON, NYE, BUDGE
& BAILEY, CHARTERED

By: Brett R. Cahoon
BRETT R. CAHOON

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of December, 2014, I served a true and correct copy of the above and foregoing document to the following person(s) as follows:

Stephanie Altig
Office of Idaho Attorney General
Idaho State Police
700 W. Jefferson Street
P.O. Box 83720
Boise, ID 83720-0010

☒ U. S. Mail
☐ Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☒ Facsimile - (208) 884-7228



BRETT R. CAHOON

**A CONTESTED MATTER BEFORE THE DIRECTOR
OF THE IDAHO STATE POLICE**

IN THE MATTER OF:	)	Case No. 14ABC026
)	
	)	ORDER TO CEASE
Senior Iguana's, Inc.	)	AND DESIST AND
dba Senior Iguana's	)	NOTICE OF CANCELLED
961 Hiline Road	)	RETAIL ALCOHOL
Pocatello, ID 83201	)	BEVERAGE LICENSE

I. Introduction.

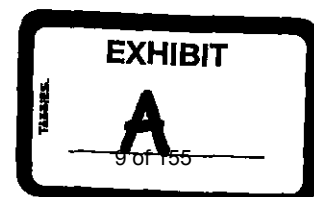
This matter is before the Idaho State Police, Bureau of Alcohol Beverage Control (ABC), under the authority of IDAHO CODE §§ 23-903, 23-904, 23-907, 23-908, 23-933, 23-1010, 23-1037, 23-1306, 23-1315 and 67-5247 and IDAPA 11.05.01.03 against Senior Iguana's, Inc., dba Senior Iguana's ("Senior Iguana's"), doing business at 961 Hiline Road, Pocatello, ID 83201.

II. Findings of Fact

A. Senior Iguana's Is Not Licensed to Sell Alcoholic Beverages.

1. Senior Iguana's was issued a Retail Alcohol Beverage License to sell liquor by the drink, beer, and wine, for Premise Number 1B-45, License Number 3622, for the period of November 01, 2014, through October 31, 2015.
2. When Senior Iguana's sought renewal of the license referenced in paragraph 1, above, ABC accepted a check from Senior Iguana's, Inc., in the amount of

ORDER TO CEASE AND DESIST AND NOTICE OF
CANCELLED RETAIL ALCOHOL BEVERAGE LICENSE- 1



\$800.00 for the license renewal fee, but the check was subsequently returned by Senior Iguana's bank due to non-sufficient funds.

3. In a letter postmarked to Senior Iguana's on November 7, 2014,¹ ABC advised Senior Iguana's that it must submit a money order or cashier's check in the renewal fee amount of \$800.00 (the NSF check submitted was for \$800.00) plus a separate money order or check in the amount of \$20.00 to cover the non-sufficient funds handling fee, to ABC by November 25, 2014.

4. As of today's date, Senior Iguana's, nor or anyone representing it, has paid the license renewal fee for the license dated November 1, 2014, through October 31, 2015, for Premise Number 1B-45, License Number 3622.

6. Therefore Senior Iguana's is not licensed to sell any alcoholic beverages anywhere within the state of Idaho.

III. Conclusions of Law

Senior Iguana's is in the business of selling alcoholic beverages, including liquor by the drink, without an Idaho Retail Alcohol Beverage License. Idaho law requires such an enterprise to be licensed in order to engage in such business activities. IDAHO CODE § 23-901, *et. seq.* This violation of law causes an immediate danger to the public health, safety and welfare requiring immediate agency action. IDAHO CODE § 67-5247.

ORDER TO CEASE AND DESIST

Based on the foregoing, IT IS HEREBY ORDERED that Senior Iguana's shall immediately upon its receipt of this Order, CEASE AND DESIST selling any alcoholic beverages in the state of Idaho. Failure to do so may result in commencement of injunctive relief or other appropriate action.

¹ This letter was erroneously dated November 16, 2014.

ORDER TO CEASE AND DESIST AND NOTICE OF
CANCELLED RETAIL ALCOHOL BEVERAGE LICENSE- 2

This is a final order of the agency. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The agency will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. IDAHO CODE § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- (a) A hearing was held,
- (b) The final agency action was taken,
- (c) The party seeking review of the order resides, or operates its principal place of business in Idaho, or
- (d) The real property or personal property that was the subject of the agency action is located.

An appeal must be filed within twenty-eight (28) days:

- (a) of the service date of this final order,
- (b) of an order denying petition for reconsideration, or
- (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. IDAHO CODE § 67-5273.

The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

//

ORDER TO CEASE AND DESIST AND NOTICE OF
CANCELLED RETAIL ALCOHOL BEVERAGE LICENSE- 3

Dated this 9th day of December, 2014.




Lt. Russell Wheatley
Idaho State Police
Alcohol Beverage Control

CERTIFICATE OF SERVICE

I, DETECTIVE H. CALDERA, certify that on the 10th day of
December 2014, at _____ am / pm, I personally served a true and correct copy of the
**ORDER TO CEASE AND DESIST AND NOTICE OF CANCELLED RETAIL
ALCOHOL BEVERAGE LICENSE** in the above entitled matter upon:

_____ at
961 HILMA RD POCATELLO ID 83201



Signature of Server

H. CALDERA

Server's Printed Name

ORDER TO CEASE AND DESIST AND NOTICE OF
CANCELLED RETAIL ALCOHOL BEVERAGE LICENSE- 4



Idaho State Police

Horacio Caldera
Detective
Alcohol Beverage Control

District 5 - Investigations
2055 Garrett Way, Suite 8
Pocatello, ID 83201

Office 208-237-1210
Cell 208-680-6594
Fax 208-237-1369

Email: horacio.caldera@isp.idaho.gov
Website: www.isp.idaho.gov

FILED
BANNOCK COUNTY
CLERK OF THE COURT

2014 DEC 23 PM 2:35

BY AB
DEPUTY CLERK

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT IN AND
FOR THE STATE OF IDAHO, COUNTY OF BANNOCK

SENOR IGUANAS, INC., dba SENOR
IGUANA'S and MARCIA E. CORONA,

Petitioners,

vs.

IDAHO STATE POLICE, BUREAU OF
ALCOHOL BEVERAGE CONTROL,

Respondent.

Case No: CV-2014-0004955-OC

ORDER OF REFERENCE

This Court herewith DISQUALIFIES itself from presiding over this matter;

NOW, THEREFORE, IT IS HEREWITH ORDERED that this matter is REFERRED
to the Honorable Stephen S. Dunn, Administrative District Judge for reassignment to
another district judge.

IT IS SO ORDERED.

DATED this 23rd day of December, 2014.

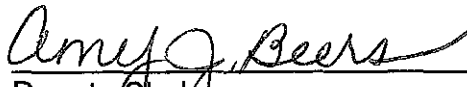


DAVID C. NYE
District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 23rd day of December, 2014, I served a true and correct copy of the foregoing document upon each of the following individuals in the manner indicated.

Patrick N. George Brett R. Cahoon RACINE OLSON NYE BUDGE & BAILEY CHARTERED PO Box 1391 Pocatello, ID 83204-1391	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> E-Mail: png@racinelaw.net brc@racinelaw.net <input type="checkbox"/> Hand Deliver <input checked="" type="checkbox"/> Fax: (208) 232-6109
Hon. Stephen Dunn	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/> Hand Deliver <input type="checkbox"/> Fax:


Deputy Clerk

2014 DEC 31 PM 2: 55

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT IN AND ~~BY~~ *KD*
~~CLERK~~

FOR THE STATE OF IDAHO, COUNTY OF BANNOCK

SENOR IGUANA'S, INC. dba SENOR
IGUANA'S and MARCIA E. CORONA,

Plaintiffs,

vs.

IDAHO STATE POLICE, BUREAU OF
ALCOHOL BEVERAGE CONTROL,

Defendant.

Case No: CV-2014-04955-OC

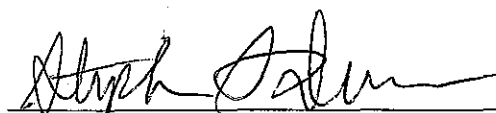
**ADMINISTRATIVE ORDER OF
REFERENCE**

The Honorable David C. Nye, District Judge, having disqualified himself from
presiding over this matter;

NOW THEREFORE, IT IS HEREBY ORDERED that the above entitled matter is
hereby REFERRED to the Honorable Robert C. Naftz for complete resolution.

IT IS SO ORDERED.

DATED this 31st day of December, 2014.



STEPHEN S. DUNN
Administrative District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 31 day of Dec, 2014, I served a true and correct copy of the foregoing document upon each of the following individuals in the manner indicated.

Suzanne Johnson
Trial Court Administrator

☐ U.S. Mail
☒ Email
☐ Hand Deliver
☐ Facsimile

Patrick N. George
Racine Olson Nye Budge & Bailey
PO Box 1391
Pocatello, ID 83204-1391

☒ U.S. Mail
☐ Email
☐ Hand Deliver
☐ Facsimile

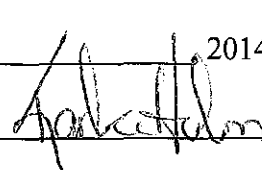
Honorable David C. Nye

☐ U.S. Mail
☒ Email
☐ Hand Deliver
☐ Facsimile

Honorable Robert C. Naftz

☐ U.S. Mail
☒ Email
☐ Hand Deliver
☐ Facsimile

DATED this 31 day of Dec, 2014.


Deputy Clerk

FILED
BANNOCK COUNTY
CLERK OF THE COURT
2014 DEC 31 PM 2:55

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT ~~IN AND~~
FOR THE STATE OF IDAHO, COUNTY OF BANNOCK ~~CLERK~~

SENOR IGUANA'S, INC. dba SENOR
IGUANA'S and MARCIA E. CORONA,

Plaintiffs,

vs.

IDAHO STATE POLICE, BUREAU OF
ALCOHOL BEVERAGE CONTROL,

Defendant.

Case No: CV-2014-04955-OC


**ADMINISTRATIVE ORDER OF
REFERENCE**

The Honorable David C. Nye, District Judge, having disqualified himself from
presiding over this matter;

NOW THEREFORE, IT IS HEREBY ORDERED that the above entitled matter is
hereby REFERRED to the Honorable Robert C. Naftz for complete resolution.

IT IS SO ORDERED.

DATED this 31st day of December, 2014.


STEPHEN S. DUNN
Administrative District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 31 day of Dec, 2014, I served a true and correct copy of the foregoing document upon each of the following individuals in the manner indicated.

Suzanne Johnson
Trial Court Administrator

☐ U.S. Mail
☒ Email
☐ Hand Deliver
☐ Facsimile

Patrick N. George
Racine Olson Nye Budge & Bailey
PO Box 1391
Pocatello, ID 83204-1391

☒ U.S. Mail
☐ Email
☐ Hand Deliver
☐ Facsimile

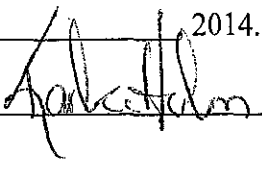
Honorable David C. Nye

☐ U.S. Mail
☒ Email
☐ Hand Deliver
☐ Facsimile

Honorable Robert C. Naftz

☐ U.S. Mail
☒ Email
☐ Hand Deliver
☐ Facsimile

DATED this 31 day of Dec, 2014.


Deputy Clerk

Patrick N. George (ISB No. 5983)
Brett R. Cahoon (ISB No. 8607)
RACINE, OLSON, NYE, BUDGE
& BAILEY, CHARTERED
P.O. Box 1391/Center Plaza
Pocatello, Idaho 83204-1391
Telephone: (208) 232-6101
Facsimile: (208) 232-6109

2015 JAN -7 PM 3:43

BY: [Signature] CLERK

Attorneys for Plaintiffs

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

SEÑOR IGUANA'S, INC. dba SEÑOR
IGUANA'S and MARCIA E. CORONA,

Petitioners,

vs.

IDAHO STATE POLICE, BUREAU OF
ALCOHOL BEVERAGE CONTROL,

Respondent.

Case No. CV-2014-4955-OC

**MOTION FOR STAY PENDING
RESOLUTION OF THE PETITION FOR
JUDICIAL REVIEW**

The Petitioners, Señor Iguana's, Inc. and Marcia E. Corona ("Ms. Corona"), by and through counsel, and pursuant to Idaho Code § 67-5274, hereby moves this Court for an Order staying the Order to Cease and Desist and Notice of Cancelled Retail Alcohol Beverage License, dated December 9, 2014, issued by the Idaho State Police, Bureau of Alcohol Beverage Control, and served upon the Petitioners on December 10, 2014 (the "Order"), with such stay to be effective until the Petitioner's Petition for Judicial Review is resolved.

This Motion is supported by the Affidavit of Ms. Corona filed concurrently herewith, and further argument and testimony to be presented at the hearing on this Motion.

DATED this 7th day of ~~December~~, 2014. January, 2015.

RACINE, OLSON, NYE, BUDGE
& BAILEY, CHARTERED


By: 
BRETT R. CAHOON


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 7th day of January, 2015, I served a true and correct copy of the above and foregoing document to the following person(s) as follows:

Stephanie Altig
Office of Idaho Attorney General
Idaho State Police
700 W. Jefferson Street
P.O. Box 83720
Boise, ID 83720-0010

[☒] U. S. Mail
Postage Prepaid
[] Hand Delivery
[] Overnight Mail
[] Facsimile – (208) 884-7228


BRETT R. CAHOON

3/15/49
U.S. DEPT. OF JUSTICE
2015 JAN -7 PM 3:49
BY 
BOSTON OFFICE

22 of 155

4. On October 22, 2014, I filed my annual renewal application with the Idaho State Police, Bureau of Alcohol Beverage Control ("ABC"), together with a check in the amount of \$800 (the "Check"), the required renewal fee amount. A true and correct copy of the renewal application and priority mail receipt is attached hereto as **Exhibit A**.
5. After receiving my renewal application, ABC reissued my Liquor License effective November 1, 2014 through October 31, 2015.
6. Unbeknownst to me, there were insufficient funds in the account from which the Check was to be drawn and the Check bounced.
7. The first I received notice that the Check had bounced was on December 10, 2014 when Detective Caldera of the Idaho State Police, Alcohol Beverage Control, delivered an Order to Cease and Desist and Notice of Cancelled Retail Alcohol Beverage License (the "Order") to Senor Iguana's premises. A true and correct copy of the Order is attached hereto as **Exhibit B**.
8. On December 10, 2014, I caused to be mailed to ABC, by certified mail, a cashier's check in the amounts of \$820 to cover the renewal fee and the insufficient funds handling fee referenced in the Order.
9. When I received the renewed or reissued Liquor License, I assumed that the application and fee were both properly filed and received. Had I known that the Check had bounced and that ABC did not receive the renewal funds, I would have immediately corrected the problem and arranged for payment of the renewal fee.
10. Upon receipt of the Order I caused Senor Iguana's to cease selling alcohol and have lost and continue to lose revenue as a result of such.

11. The total revenues of Senor Iguana's for the month of December 2013 was \$46,074.00.
The total revenues of Senor Iguana's for the month of December 2014 was \$34,616.29.
Attached hereto as **Exhibit C** is a true and correct copy of the Statement of Income for Senor Iguana's for December of 2013. Attached hereto as **Exhibit D** is a true and correct copy of the daily reports and total revenue of Senor Iguana's for December of 2014.
12. Since the Order was issued to me, my business has not sold alcoholic beverages and has lost significant revenue both in terms of alcoholic sales and food sales. Further, the reputation of my business has been and continues to be significantly impaired based upon the issuance of the Order and our compliance with the Order.
13. Attached as **Exhibit E** is a true and correct copy of the Product Tracking & Reporting report (the "Tracking Report") that I obtained from USPS regarding the certified mailing that ABC apparently attempted to send me concerning the bounced Check.
14. As evidenced by the Tracking Report, I never received, nor did anyone with my business ever receive the letter that ABC apparently attempted to deliver to me.
15. Although the Product Tracking Report states that there was "no authorized recipient available" at 12:00 on November 10, 2014, my business was in fact open and serving customers at that time. Attached hereto as **Exhibit F** is a true and correct copy of the Daily Report for November 10, 2014 showing that we were open for business. Attached hereto as **Exhibit G** are true and correct copies of receipts of customers that paid for their meals at 12:16, 12:25 and 12:36 on November 10, 2014, as well as a receipt from Big Lots showing the purchase of ingredients on November 10, 2014 evidencing that Senor Iguana's was open for and doing business at the time the Tracking Report shows that there was no authorized recipient available. Attached hereto as **Exhibit H** is a true and

correct copy of an invoice for supplies that were delivered and received by Senor Iguana's on November 10, 2014.

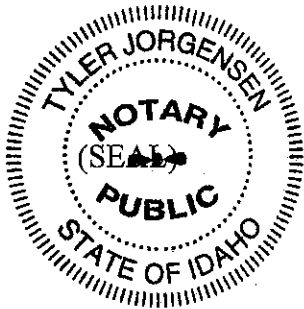
16. I never received notice that there was a parcel or letter for pick-up held at the USPS office.
17. The Tracking Report shows that the parcel or letter was returned to ABC on December 3, 2014.
18. Senor Iguana's opens for business at 11:00 am and I or my business regularly receive and accept certified mailings from USPS. Attached hereto as **Exhibit I** are true and correct copies of four certified mailings and tracking reports that were received at Senor Iguana's in the month of November 2014, showing that certified mailings were delivered and received on the respective dates and times:
 - November 5, 2014 at 12:32
 - November 22, 2014 at 11:46
 - November 24, 2014 at 11:09 (two mailings)
19. The Liquor License is important to my business, Senor Iguana's, and I have always promptly responded to inquiries, requests, and requirements of ABC in order to preserve and maintain the Liquor License.

[SIGNATURE ON NEXT PAGE]

DATED: This 7 day of January, 2015.

Marcia E Corona
MARCIA E. CORONA, Affiant

SUBSCRIBED AND SWORN to before me, a Notary Public in and for said state, this
7th day of January, 2015.



[Signature]
Notary Public for Idaho
Residing at: Pocatello ID
Commission expires: 3/11/20

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 7th day of January, 2015, I served a true and correct copy of
the above and foregoing document to the following person(s) as follows:

Stephanie Altig
Office of Idaho Attorney General
Idaho State Police
700 W. Jefferson Street
P.O. Box 83720
Boise, ID 83720-0010

☒ U. S. Mail
Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile – (208) 884-7228

[Signature]
BRETT R. CAHOON

EXHIBIT A



Idaho State Police
Alcohol Beverage License Renewal Application
Alcohol Beverage Control
700 S. Stratford Dr. Ste 115, Meridian, ID
83642
(208) 884-7060



1. Applicant

Applicant: Senor Iguanas Inc

(Applicant Name: Individual(s), Corporation, LLC or Partnership)

DBA: Senor Iguana's

Location: 961 Hiline Rd

City, County, Zip: Pocatello, Bannock, 83201

Business Telephone: 208 233 4422

Premise Number: 1B-45

License #: 3622

License Period: 2015

2. License Type and Fees

License Type: Incorporated City

Liquor	Yes	\$750.00
Beer	Yes	\$50.00
On-premise	Yes	\$0.00
Kegs to go	No	
Restaurant	Yes	\$0.00
Wine by the bottle	Yes	\$0.00
Wine by the glass	Yes	\$0.00
Multipurpose arena	No	

Total Fee Enclosed: \$800.00

SENIOR IGUANAS INC
SENIOR IGUANA'S
961 HILINE RD
POCATELLO, ID 83201

Mailing Address

3. Idaho State Tax Commission Seller's Permit Number

000678704-5

4. List sole proprietor(s) all partners, corporate officers, directors, ten primary stockholders, LLC/LLP members/partners of the applicant. Please attach additional pages as necessary.

(Name) MARCIA E. CORONA (Title) PRES.
(Contact Phone Number) 208-233-4422

(Name) _____ (Title) _____
(Contact Phone Number) _____

(Name) _____ (Title) _____
(Contact Phone Number) _____

License #: 3622

ABC-Retail App Renewal (Revised 09/2009)

License Period: 2015

Printed 8/28/2014

5. Does anyone listed above have any direct or indirect interest in any other business licensed for the sale of beer, wine, or liquor by the drink? ☒ NO ☐ YES (Explain Below)

6. Has anyone listed above as an individual, a partner, a member (LLC) or while an officer, director of a corporation applicant or licensee ever had an alcohol license denied, suspended or revoked? ☒ NO ☐ YES (Explain below)

7. Has anyone listed above ever been convicted with a felony or an alcohol related misdemeanor? ☒ NO ☐ YES (Attach Explanation)

8. Does anyone have any financial interest in the Applicant's business not previously listed on #4, including silent partners, financial loans, etc.? ☒ NO ☐ YES (Attach Explanation)

9. Premise Diagram/Floor Plan No architectural blue prints - On paper no larger than 8.5" x 11"

If you have had any changes in the premise from the previous year:

Attach a sketch showing the entire area proposed to be licensed to sell, serve, dispense or store alcoholic beverages, including patios, decks, etc. Diagram must show all entrances, exits, offices, restrooms, kitchen facilities (if applicable), bar(s), bar backs, liquor cabinets, tables, refrigeration units, partitions, etc. and where license will be prominently displayed.

10. Read the following, sign and have notarized.

The applicant hereby swears or affirms under oath that the applicant is the bona fide owner of the business which is applying for this license and will be engaged in the sale or dispensing of liquor by the drink, beer and/or wine by the bottle and/or glass. The applicant hereby affirms that the applicant is eligible and has none of the disqualifications for a license as provided by Title 23, Chapter 9, 10, 11, 12, 13 and 14, Idaho Code or any amendments thereto.

An applicant for the acceptance of a license by a retailer shall constitute consent to, and be authority for, entry by the Director or his authorized agents, upon any premises related to the licensee's business, or wherein are or should be kept, any of the licensee's books, records, ledgers, supplies or other property related to said business, and to make the inventory, check and investigations aforesaid with relation to said licensee or any other licensee. It shall also constitute consent given to the Director or his authorized agents to view, copy or investigate any documents, including state and federal income and sales tax documents, related to the business or person(s) associated with

I/we, the applicant of this license, have read all of the above and declare under penalty of perjury that the information I/we have provide is true and correct to the best of my/our knowledge.

Marcia E. Corona

Applicant Signature

PRES.

Title

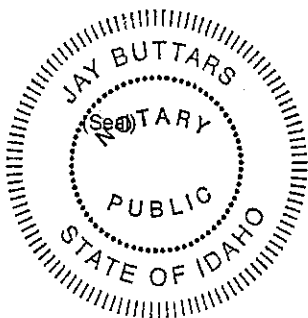
10/22/14

Date

MARCIA E. CORONA

Printed Name

Subscribed and sworn to before me this 22 day of OCTOBER, 2014.



Jay Butters
Notary Public

Residing At: Chubbuck, ID 83202

My Commision Expires:

10-15-16

CUSTOMER USE ONLY

FROM: (PLEASE PRINT)

PHONE: 808 233-4422

Senor Iguana's
961 Hiline Rd.
Poc. Id. 83201

UNITED STATES
POSTAL SERVICE®

PRIORITY
★ MAIL ★
EXPRESS™

PAYMENT BY ACCOUNT (if applicable)

USPS® Corporate Acct. No.

Federal Agency Acct. No. or Postal Service™ Acct. No.

DELIVERY OPTIONS (Customer Use Only)

☒ **SIGNATURE REQUIRED** Note: The mailer must check the "Signature Required" box if the mailer: 1) Requires the addressee's signature; OR 2) Purchases additional insurance; OR 3) Purchases COD service; OR 4) Purchases Return Receipt service. If the box is not checked, the Postal Service will leave the item in the addressee's mail receptacle or other secure location without attempting to obtain the addressee's signature on delivery.

Delivery Options

- ☐ No Saturday Delivery (delivered next business day)
☐ Sunday/Holiday Delivery Required (additional fee, where available)
☐ 10:30 AM Delivery Required (additional fee, where available)
 *Refer to USPS.com® or local Post Office™ for availability.

TO: (PLEASE PRINT)

PHONE ()

Alcohol Beverage Control
700 S. STRATFORD DR.
Ste. 115
Meridian, Id. 83642
ZIP + 4® (U.S. ADDRESSES ONLY)

ORIGIN (POSTAL SERVICE USE ONLY)

<input checked="" type="checkbox"/> 1-Day	<input type="checkbox"/> 2-Day	<input type="checkbox"/> Military	<input type="checkbox"/> DPO
PQ ZIP Code 83202	Scheduled Delivery Date (MM/DD/YY) 10-23-14	Postage \$ 19.99	
Date Accepted (MM/DD/YY) 10-22-14	Scheduled Delivery Time <input type="checkbox"/> 10:30 AM <input checked="" type="checkbox"/> 3:00 PM <input type="checkbox"/> 12 NOON	Insurance Fee \$	COD Fee \$
Time Accepted 2/3	10:30 AM Delivery Fee \$	Return Receipt Fee \$	Live Animal Transportation Fee \$
Weight lbs. ozs.	Sunday/Holiday Premium Fee \$	Total Postage & Fees \$ 19.99	
Acceptance Employee Initials [Signature]			

DELIVERY (POSTAL SERVICE USE ONLY)

Delivery Attempt (MM/DD/YY)	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Delivery Attempt (MM/DD/YY)	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature

- For pickup or USPS Tracking™, visit USPS.com or call 800-222-1811.
 ■ \$100.00 insurance included.

LABEL 11-B, JANUARY 2014

PSN 7690-02-000-9996

2-CUSTOMER CO

EXHIBIT B

**A CONTESTED MATTER BEFORE THE DIRECTOR
OF THE IDAHO STATE POLICE**

IN THE MATTER OF:	)	Case No. 14ABC026
)	
	)	ORDER TO CEASE
Senior Iguana's, Inc.	)	AND DESIST AND
dba Senior Iguana's	)	NOTICE OF CANCELLED
961 Hilina Road	)	RETAIL ALCOHOL
Pocatello, ID 83201	)	BEVERAGE LICENSE

I. Introduction.

This matter is before the Idaho State Police, Bureau of Alcohol Beverage Control (ABC), under the authority of IDAHO CODE §§ 23-903, 23-904, 23-907, 23-908, 23-933, 23-1010, 23-1037, 23-1306, 23-1315 and 67-5247 and IDAPA 11.05.01.03 against Senior Iguana's, Inc., dba Senior Iguana's ("Senior Iguana's"), doing business at 961 Hilina Road, Pocatello, ID 83201.

II. Findings of Fact

A. Senior Iguana's Is Not Licensed to Sell Alcoholic Beverages.

1. Senior Iguana's was issued a Retail Alcohol Beverage License to sell liquor by the drink, beer, and wine, for Premise Number 1B-45, License Number 3622, for the period of November 01, 2014, through October 31, 2015.

2. When Senior Iguana's sought renewal of the license referenced in paragraph 1, above, ABC accepted a check from Senior Iguana's, Inc., in the amount of

ORDER TO CEASE AND DESIST AND NOTICE OF
CANCELLED RETAIL ALCOHOL BEVERAGE LICENSE- 1

\$800.00 for the license renewal fee, but the check was subsequently returned by Senior Iguana's bank due to non-sufficient funds.

3. In a letter postmarked to Senior Iguana's on November 7, 2014,¹ ABC advised Senior Iguana's that it must submit a money order or cashier's check in the renewal fee amount of \$800.00 (the NSF check submitted was for \$800.00) plus a separate money order or check in the amount of \$20.00 to cover the non-sufficient funds handling fee, to ABC by November 25, 2014.

4. As of today's date, Senior Iguana's, nor or anyone representing it, has paid the license renewal fee for the license dated November 1, 2014, through October 31, 2015, for Premise Number 1B-45, License Number 3622.

6. Therefore Senior Iguana's is not licensed to sell any alcoholic beverages anywhere within the state of Idaho.

III. Conclusions of Law

Senior Iguana's is in the business of selling alcoholic beverages, including liquor by the drink, without an Idaho Retail Alcohol Beverage License. Idaho law requires such an enterprise to be licensed in order to engage in such business activities. IDAHO CODE § 23-901, *et. seq.* This violation of law causes an immediate danger to the public health, safety and welfare requiring immediate agency action. IDAHO CODE § 67-5247.

ORDER TO CEASE AND DESIST

Based on the foregoing, IT IS HEREBY ORDERED that Senior Iguana's shall immediately upon its receipt of this Order, CEASE AND DESIST selling any alcoholic beverages in the state of Idaho. Failure to do so may result in commencement of injunctive relief or other appropriate action.

¹ This letter was erroneously dated November 16, 2014.

ORDER TO CEASE AND DESIST AND NOTICE OF
CANCELLED RETAIL ALCOHOL BEVERAGE LICENSE- 2

This is a final order of the agency. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The agency will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. IDAHO CODE § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- (a) A hearing was held,
- (b) The final agency action was taken,
- (c) The party seeking review of the order resides, or operates its principal place of business in Idaho, or
- (d) The real property or personal property that was the subject of the agency action is located.

An appeal must be filed within twenty-eight (28) days:

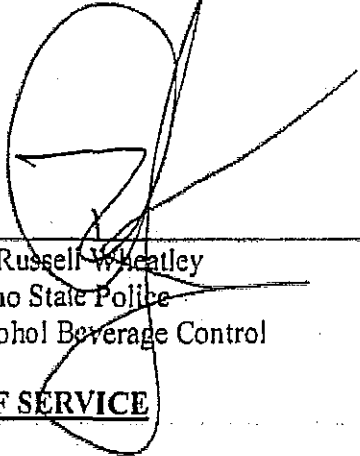
- (a) of the service date of this final order,
- (b) of an order denying petition for reconsideration, or
- (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. IDAHO CODE § 67-5273.

The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

//

ORDER TO CEASE AND DESIST AND NOTICE OF
CANCELLED RETAIL ALCOHOL BEVERAGE LICENSE- 3

Dated this 9th day of December, 2014.



Lt. Russell Wheatley
Idaho State Police
Alcohol Beverage Control

CERTIFICATE OF SERVICE

I, DETECTIVE H. CALDERA, certify that on the 10th day of
December 2014, at _____ am / pm, I personally served a true and correct copy of the
**ORDER TO CEASE AND DESIST AND NOTICE OF CANCELLED RETAIL
ALCOHOL BEVERAGE LICENSE** in the above entitled matter upon:

_____ at
961 HILMA RD POCAHELLO ID 83201



Signature of Server

H. CALDERA

Server's Printed Name

ORDER TO CEASE AND DESIST AND NOTICE OF
CANCELLED RETAIL ALCOHOL BEVERAGE LICENSE- 4

EXHIBIT C

SEÑOR IGUANA'S INC.
STATEMENT OF INCOME
FOR THE MONTH OF DECEMBER AND THE YTD ENDED DEC 31, 2013

ACCOUNT TITLE	CURRENT	PERCENT	YTD BALANCE	PERCENT
REVENUE				
SALES - RESTAURANT	35,408.00	76.85	424,079.00	76.51
SALES - BAR	10,666.00	23.15	130,199.00	23.49
TOTAL REVENUE	46,074.00	100.00	554,278.00	100.00
COST OF SALES				
PURCHASES - RESTAURANT	16,806.50	36.48-	187,825.03	33.89-
PURCHASES - BAR	3,359.08	7.29-	34,771.70	6.27-
TOTAL COST OF SALES	20,165.58	43.77-	222,596.73	40.16-
GROSS PROFIT ON SALES	25,908.42	56.23	331,681.27	59.84
EXPENSES				
ADVERTISING	396.00	.86-	7,594.61	1.37-
BANK SERVICE CHARGE	3,075.88	6.68-	30,747.65	5.55-
DEPRECIATION	432.00	.94-	11,432.00	2.06-
HEAT, POWER, AND WATER	2,166.60	4.70-	23,381.58	4.22-
INSURANCE	715.00	1.55-	8,974.72	1.62-
INTEREST	735.47-	1.60	10,264.53	1.85-
LEGAL AND ACCOUNTING	550.00	1.19-	7,580.72	1.37-
MISCELLANEOUS	.00	.00-	100.00	.02-
OFFICE EXPENSE	.00	.00-	265.61	.05-
PAYROLL TAXES	2,081.62	4.52-	18,134.34	3.27-
RENT AND RENTALS	390.00	.85-	20,297.96	3.66-
REPAIRS AND MAINTENANCE	1,163.01	2.52-	10,396.23	1.88-
SUPPLIES	3,319.11	7.20-	25,104.62	4.53-
TAXES AND LICENSES	590.00	1.28-	2,526.25	.46-
TELEPHONE	425.29	.92-	3,629.00	.65-
WAGES	13,391.31	29.06-	167,659.91	30.25-
LAUNDRY	917.67	1.99-	9,352.10	1.69-
TOTAL EXPENSES	28,653.22	62.19-	357,441.83	64.49-
NET INCOME OR LOSS (-)	2,744.80-	5.96-	25,760.56-	4.65-

*Account to
 credit amount
 17,000
 20297.96*

EXHIBIT D

Drunk

0.00 *

196.00*+

257.00 +

213.15 +

304.96 34.96 +

750.25 +

660.90 +

304.45 +

307.23 +

2,723.94 *

2493.94

cash

805.66*+

957.11 +

1,166.67 +

1,159.44 +

1,943.17 +

1,999.24 +

1,630.12 +

1,169.67 +

1,368.35 +

2,408.10 +

1,447.91 +

95.34 +

1,354.12 +

796.69 +

1,298.37 +

1,847.40 +

1,545.84 +

1,559.01 +

1,369.34 +

601.09 +

1,770.49 +

1,267.78 +

1,360.06 +

1,531.70 +

1,353.62 +

95.34 -

905.34 +

34,616.29 *

DAILY REPORT

CASH RECEIPTS

DATE

20

Food SALES ~~Drinks~~ for ~~Crane~~
805.66 196.00 ~~50.89~~ \$977.48

\$

\$1061.75

\$977.48

TOTAL RECEIPTS

\$

84.27

CASH PAID OUT

\$

\$

\$

\$

\$

\$

\$

\$

TOTAL PAID OUT

\$

NET RECEIPTS

\$

CASH IN REGISTER

\$

LESS CHANGE FUND

\$

NET CASH

\$

CASH OVER OR SHORT

\$

FORM E4691

ACCOUNTANT STATIONERS & PRINTERS • LOS ANGELES

DAILY REPORT

CASH RECEIPTS

DATE

20

Food Sales Drink Tax
957.11 257.00 71.52

\$ Cash
\$ 646.09

\$

\$ 1285.63

\$ 646.09

TOTAL RECEIPTS

\$ 439.54

CASH PAID OUT

Supplies - 31.02
408.52

\$

\$

\$

\$

\$

\$

\$

\$

TOTAL PAID OUT

\$

NET RECEIPTS

\$

CASH IN REGISTER

\$

LESS CHANGE FUND

\$

NET CASH

\$

CASH OVER OR SHORT

\$

FORM E4891

ACCOUNTANT STATIONERS & PRINTERS • LOS ANGELES

DAILY REPORT	
CASH RECEIPTS	DATE 12-3-2014
Food Sales Drink Fox	\$ Core
1166.67 213.15 61.74	\$ 1040.17
1166.67	\$
	\$ 1441.56
	\$ 1041.17
TOTAL RECEIPTS	\$ 400.39
CASH PAID OUT	Supplies 86.39
	\$ 314.00
	\$
	\$ 1441.56
	\$ 1041.17
	\$ 400.39
Supplies	\$ 86.39
	\$ 314.00
TOTAL PAID OUT	\$
NET RECEIPTS	\$
CASH IN REGISTER	\$
LESS CHANGE FUND	\$
NET CASH	\$
CASH OVER OR SHORT	\$
<small>WITZ</small> FORM E4691 ACCOUNTANT STATIONERS & PRINTERS • LOS ANGELES	

DAILY REPORT	
CASH RECEIPTS	DATE <u>12-4-14</u>
SALES <u>Cafe Drink tax Cred</u>	
1159.44 <u>1159.44</u>	\$ <u>1162.70</u>
304.96 <u>304.96</u>	\$
	\$ <u>1548.64</u>
	\$ <u>1162.70</u>
TOTAL RECEIPTS	\$ <u>385.94</u>
CASH PAID OUT	<u>Supplies 29.22</u>
	\$ <u>356.72</u>
	\$
	\$
	\$
	\$
	\$
	\$
	\$
TOTAL PAID OUT	\$
NET RECEIPTS	\$
CASH IN REGISTER	\$
LESS CHANGE FUND	\$
NET CASH	\$
CASH OVER OR SHORT	\$

FORM E4691

ACCOUNTANT STATIONERS & PRINTERS • LOS ANGELES

DAILY REPORT

CASH RECEIPTS		DATE <u>12-5-20</u>
Food SALES	Drink tax	<u>6.40</u>
1943.17	750.25	1535)
		\$ 2258.40
		\$
		\$ 2846.93
		\$ 2258.40
TOTAL RECEIPTS		\$ 58853
CASH PAID OUT		
	Supp	120.43
		\$ 468.10
	MUSIC	20.00
		448.10
		\$
		\$
		\$
		\$
TOTAL PAID OUT		\$
NET RECEIPTS		\$
CASH IN REGISTER		\$
LESS CHANGE FUND		\$
NET CASH		\$
CASH OVER OR SHORT		\$

FORM E4691

ACCOUNTANT STATIONERS & PRINTERS • LOS ANGELES

DAILY REPORT

CASH RECEIPTS

DATE

12-6 20 11

~~Cash~~ SALES

\$

Food & Drink Tax

\$

1999.24 660.90 159.60

\$

2549.31

\$

2819.74

TOTAL RECEIPTS

\$

2549.31

CASH PAID OUT

270.43

Supplies

\$

90.48

\$

179.95

MUSIC

\$

20.00

\$

159.95

\$

\$

\$

TOTAL PAID OUT

\$

NET RECEIPTS

\$

CASH IN REGISTER

\$

LESS CHANGE FUND

\$

NET CASH

\$

CASH OVER OR SHORT

\$

FORM E4691

ACCOUNTANT STATIONERS & PRINTERS • LOS ANGELES

DAILY REPORT

CASH RECEIPTS		DATE 12-8-2014
Food SALES	Drinks	for
1630.12	304.45	115.31
		\$1654.21
		\$
		\$2049.88
		\$1654.21
TOTAL RECEIPTS		\$395.67
CASH PAID OUT		Supplies - 49.20
		\$346.47
		\$
		\$
		\$
		\$
		\$
		\$
		\$
TOTAL PAID OUT		\$
NET RECEIPTS		\$
CASH IN REGISTER		\$
LESS CHANGE FUND		\$
NET CASH		\$
CASH OVER OR SHORT		\$

FORM E4691

ACCOUNTANT STATIONERS & PRINTERS • LOS ANGELES

2722

DAILY REPORT	
CASH RECEIPTS	DATE 12-9-2014
SALES	
Cafe Drink, Yaf	\$1228.30
1169-67 307.23 86.75	
	\$
	\$1563.65
	\$1228.30
TOTAL RECEIPTS	\$335.35
CASH PAID OUT	Supplies 127.80
	207.55
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
TOTAL PAID OUT	\$
NET RECEIPTS	\$
CASH IN REGISTER	\$
LESS CHANGE FUND	\$
NET CASH	\$
CASH OVER OR SHORT	\$

DAILY REPORT		
CASH RECEIPTS	DATE	12-10-2014
Cafe SALES Drink		\$ 1388.35
	82.10	\$ 982.04
		\$
		\$ 1450.45
		\$ 982.04
	TOTAL RECEIPTS	\$ 468.41
CASH PAID OUT	Supplier	31.68
		\$ 436.73
		\$
		\$
		\$
		\$
		\$
		\$
		\$
	TOTAL PAID OUT	\$
	NET RECEIPTS	\$
	CASH IN REGISTER	\$
	LESS CHANGE FUND	\$
	NET CASH	\$
	CASH OVER OR SHORT	\$

FORM E4691

ACCOUNTANT STATIONERS & PRINTERS • LOS ANGELES

DAILY REPORT

CASH RECEIPTS		DATE 12-12-2014
Cash	SALES Drink	\$ Cred
2408.10	145.19	\$2397.25
		\$
		\$2553.29
		\$2397.25
TOTAL RECEIPTS		\$156.04
CASH PAID OUT		Supplies - 19.84
		\$136.70
		\$
		\$
		\$
		\$
		\$
		\$
		\$
TOTAL PAID OUT		\$
NET RECEIPTS		\$
CASH IN REGISTER		\$
LESS CHANGE FUND		\$
NET CASH		\$
CASH OVER OR SHORT		\$

FORM E4691

ACCOUNTANT STATIONERS & PRINTERS • LOS ANGELES

DAILY REPORT	
CASH RECEIPTS	DATE 12-13-2014
Food SALES	\$ Cnd
1533.16	\$ 85.75
1447.91	\$ 1143.86
	\$
	\$ 1533.16
	\$ 1143.86
TOTAL RECEIPTS	\$ 389.30
CASH PAID OUT	Supplies - 6.36
	\$ 382.94
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
TOTAL PAID OUT	\$
NET RECEIPTS	\$
CASH IN REGISTER	\$
LESS CHANGE FUND	\$
NET CASH	\$
CASH OVER OR SHORT	\$

REP MADE FORM E4691
ACCOUNTANT STATIONERS & PRINTERS • LOS ANGELES

DAILY REPORT

CASH RECEIPTS		DATE 12-15-2014
Cash SALES	Drum Tax	\$ Cred
		\$
905.34	52.80	\$ 790.66
		\$
		\$ 958.14
TOTAL RECEIPTS		\$ 790.66
CASH PAID OUT		
	Supp h	\$ 167.48
		\$ 632
		\$ 161.16
		\$
		\$
		\$
		\$
		\$
TOTAL PAID OUT		\$
NET RECEIPTS		\$
CASH IN REGISTER		\$
LESS CHANGE FUND		\$
NET CASH		\$
CASH OVER OR SHORT		\$

FORM E4691

ACCOUNTANT STATIONERS & PRINTERS • LOS ANGELES

DAILY REPORT

CASH RECEIPTS		DATE <u>12-16-14</u>
Food SALES	<u>tot</u>	\$ <u>1088.04</u>
1354.12	<u>81.33</u>	\$
		\$ <u>1435.45</u>
		\$ <u>1088.04</u>
TOTAL RECEIPTS		\$ <u>347.41</u>
CASH PAID OUT	<u>Suppl</u>	\$ <u>58.89</u>
		\$ <u>288.52</u>
		\$
		\$
		\$
		\$
		\$
		\$
		\$
TOTAL PAID OUT		\$
NET RECEIPTS		\$
CASH IN REGISTER		\$
LESS CHANGE FUND		\$
NET CASH		\$
CASH OVER OR SHORT		\$

FORM E4691

ACCOUNTANT STATIONERS & PRINTERS • LOS ANGELES

DAILY REPORT	
CASH RECEIPTS	DATE 12-17-2011
Food SALES	\$ Cred
Drinks	\$ 671.81
Tax	\$ 48.14
	\$ 796.69
	\$ 844.83
	\$ 671.81
TOTAL RECEIPTS	\$ 173.02
CASH PAID OUT	
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
TOTAL PAID OUT	\$
NET RECEIPTS	\$
CASH IN REGISTER	\$
LESS CHANGE FUND	\$
NET CASH	\$
CASH OVER OR SHORT	\$

REDI-MADE FORM E4891

ACCOUNTANT STATIONERS & PRINTERS • LOS ANGELES

DAILY REPORT	
CASH RECEIPTS	DATE 12-18-2014
Food SALES + 1013.99	\$ 1013.99
1298.37	77.84
	\$
	\$ 1376.21
	\$ 1013.99
TOTAL RECEIPTS	\$ 362.22
CASH PAID OUT	- 39.22
	\$ 2300
	\$
	\$
	\$
	\$
	\$
	\$
	\$
TOTAL PAID OUT	\$
NET RECEIPTS	\$
CASH IN REGISTER	\$
LESS CHANGE FUND	\$
NET CASH	\$
CASH OVER OR SHORT	\$
<small>FORM E4691</small> <small>ACCOUNTANT STATIONERS & PRINTERS • LOS ANGELES</small>	

DAILY REPORT

CASH RECEIPTS		DATE 12-19-14
Food SALES	Tax	\$
1847.40	120.02	\$ 1624.40
		\$
		\$ 1967.42
		\$ 1624.40
TOTAL RECEIPTS		\$ 342.96
CASH PAID OUT		1281.30
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
TOTAL PAID OUT		\$
NET RECEIPTS		\$
CASH IN REGISTER		\$
LESS CHANGE FUND		\$
NET CASH		\$
CASH OVER OR SHORT		\$

RENY
MADE

FORM E4691

ACCOUNTANT STATIONERS & PRINTERS • LOS ANGELES

DAILY REPORT

CASH RECEIPTS		DATE 12-20 2014
Food SALES	Tax	Cash
1545.84	92.72	\$ 1143.08
		\$
		\$ 1638.56
		\$ 1143.08
TOTAL RECEIPTS		\$ 445.48
CASH PAID OUT		
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
TOTAL PAID OUT		\$
NET RECEIPTS		\$
CASH IN REGISTER		\$
LESS CHANGE FUND		\$
NET CASH		\$
CASH OVER OR SHORT		\$

FORM E4691

ACCOUNTANT STATIONERS & PRINTERS • LOS ANGELES

DAILY REPORT

CASH RECEIPTS		DATE 12-22-2014
Food SALES 700 700	700	\$ 1111.47
1559.01	93.81	\$ 1111.47
		\$ 1052.82
		\$ 1111.47
TOTAL RECEIPTS		541.35
CASH PAID OUT		
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
TOTAL PAID OUT		\$
NET RECEIPTS		\$
CASH IN REGISTER		\$
LESS CHANGE FUND		\$
NET CASH		\$
CASH OVER OR SHORT		\$

REF: FORM E4691

ACCOUNTANT STATIONERS & PRINTERS • LOS ANGELES

DAILY REPORT

CASH RECEIPTS		DATE 12-23-14
Food SALES	82.05	\$ 1261.21
1457.39		\$
1369.34		\$
		\$ 1457.39
		\$ 1261.21
TOTAL RECEIPTS		\$ 190.18
CASH PAID OUT		Supplies - 9.59
		\$ 80.59
		\$
		\$
		\$
		\$
		\$
		\$
		\$
TOTAL PAID OUT		\$
NET RECEIPTS		\$
CASH IN REGISTER		\$
LESS CHANGE FUND		\$
NET CASH		\$
CASH OVER OR SHORT		\$

RECEIVED FORM E4691

ACCOUNTANT STATIONERS & PRINTERS • LOS ANGELES

DAILY REPORT

CASH RECEIPTS		DATE 12-24-20
For SALES		\$
778.84	98	\$ 975.02
601.09	36.11	\$
		\$ 637.20
		\$ 975.02
TOTAL RECEIPTS		\$ 337.82
CASH PAID OUT		
	Supp - 46.64	
	- 384.46	\$
		\$
		\$
		\$
		\$
		\$
		\$
TOTAL PAID OUT		\$
NET RECEIPTS		\$
CASH IN REGISTER		\$
LESS CHANGE FUND		\$
NET CASH		\$
CASH OVER OR SHORT		\$

FORM E4691

ACCOUNTANT STATIONERS & PRINTERS • LOS ANGELES

DAILY REPORT

CASH RECEIPTS		DATE <u>12-26-2014</u>
<u>Cash</u> SALES	<u>1770.49</u>	<u>104.26</u>
		\$ <u>1298.53</u>
		\$
		\$ <u>1874.75</u>
		\$ <u>1298.53</u>
TOTAL RECEIPTS		\$ <u>576.22</u>
CASH PAID OUT		
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
TOTAL PAID OUT		\$
NET RECEIPTS		\$
CASH IN REGISTER		\$
LESS CHANGE FUND		\$
NET CASH		\$
CASH OVER OR SHORT		\$

FORM E4691

ACCOUNTANT STATIONERS & PRINTERS • LOS ANGELES


DAILY REPORT		
CASH RECEIPTS	DATE	12-27-2014
Food SALES	fox	\$ 1079.93
1342.85		
1267.78	76.07	\$
		\$ 1343.85
		\$ 1079.93
	TOTAL RECEIPTS	\$ 263.92
CASH PAID OUT	Supplies	41.24
		\$ 2.68
		\$
		\$
		\$
		\$
		\$
		\$
		\$
	TOTAL PAID OUT	\$
	NET RECEIPTS	\$
CASH IN REGISTER		\$
LESS CHANGE FUND		\$
NET CASH		\$
CASH OVER OR SHORT		\$

FORM E4691

ACCOUNTANT STATIONERS & PRINTERS • LOS ANGELES

DAILY REPORT

CASH RECEIPTS		DATE <u>12-29</u> 20 <u>14</u>
<u>Cash</u> SALES	<u>7854</u>	<u>Chec</u>
<u>1360.06</u>		<u>\$1084.34</u>
		\$
		\$ <u>1438.68</u>
		\$ <u>1084.34</u>
TOTAL RECEIPTS		\$ <u>354.26</u>
CASH PAID OUT		<u>Full sheet</u> - <u>13.00</u>
		\$ <u>341.00</u>
		\$
		\$
		\$
		\$
		\$
		\$
TOTAL PAID OUT		\$
NET RECEIPTS		\$
CASH IN REGISTER		\$
LESS CHANGE FUND		\$
NET CASH		\$
CASH OVER OR SHORT		\$

REFIT  FORM E4691

ACCOUNTANT STATIONERS & PRINTERS • LOS ANGELES

DAILY REPORT

CASH RECEIPTS		DATE 12-30-2014
Food SALES	fat	\$ Cred
1531.70	91.96	\$ 1208.77
		\$
		\$ 1623.66
		\$ 1208.77
TOTAL RECEIPTS		\$ 414.89
CASH PAID OUT		Suppl - 80.32
		\$ 334.57
	T-H shot	\$ 18.00
		\$ 316.57
		\$
		\$
		\$
		\$
TOTAL PAID OUT		\$
NET RECEIPTS		\$
CASH IN REGISTER		\$
LESS CHANGE FUND		\$
NET CASH		\$
CASH OVER OR SHORT		\$

REDA

FORM E4891

ACCOUNTANT STATIONERS & PRINTERS • LOS ANGELES

DAILY REPORT

CASH RECEIPTS		DATE 12-31-2014
#000 SALES	fax	\$ 1225.87
135362	81.57	\$ 1225.87
		\$
		\$ 1435.19
		\$ 1225.87
TOTAL RECEIPTS		\$ 209.32
CASH PAID OUT		Supp In - 81.24
		\$ 2808
		\$
		\$
		\$
		\$
		\$
		\$
		\$
TOTAL PAID OUT		\$
NET RECEIPTS		\$
CASH IN REGISTER		\$
LESS CHANGE FUND		\$
NET CASH		\$
CASH OVER OR SHORT		\$

FORM E4691

ACCOUNTANT STATIONERS & PRINTERS • LOS ANGELES

EXHIBIT E

Product Tracking & Reporting

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Commitments](#)[PTR](#)

USPS Tracking Intranet Tracking Number Result

Result for Domestic Tracking Number 7004 2510 0000 3963 6226

Destination and Origin

Destination

ZIP Code	City	State
83201	POCATELLO	ID

Origin

City	State

Tracking Number Classification

Class/Service

Class/Service: Certified Mail
Class of Mail Code/Description: -1 / Unknown

Destination Address Information

Address: 961 HILINE RD
City: POCATELLO
State: ID
5-Digit ZIP Code: 83201
4-Digit ZIP Code add on: 5169
Delivery Point Code: 61
Record Type Code: Street Record

Payment

Weight: 0 lb(s) 0 oz(s)

Extra Services

Extra Services Details

Description	Amount
Certified Mail	

Events								
Event	Event Date	Event Time	Location	Input Method	Scanner ID	Carrier Route	Posting Date / Time (Central Time)	Other In
DELIVERED	12/03/2014	12:10	MERIDIAN, ID 83642	Scanned	030SHCJ296	Scanned by route 3642C005	12/03/2014 13:22:50	Vi Facility Fin Reql
ARRIVAL AT UNIT	12/03/2014	08:16	MERIDIAN, ID 83642	Scanned	DSS-101-00		12/03/2014 09:42:27	
ENROUTE/PROCESSED	12/03/2014	01:54	BOISE, ID 83708	Scanned	DBCS-001-	Destined to route 83642625740	12/03/2014 03:10:43	
DISPATCHED FROM SORT FACILITY	12/02/2014	22:50	BOISE, ID 83708	System Generated			12/03/2014 00:07:37	Dispatch L 0223 5711
ENROUTE/PROCESSED	12/02/2014	18:51	BOISE, ID 83708	Scanned	DBCS-005-	Destined to route 83642625740	12/02/2014 19:54:37	
ENROUTE/PROCESSED	12/01/2014	15:51	SALT LAKE CITY, UT 84199	Scanned	CIOSS-032-	Destined to route 83642625740	12/01/2014 17:07:27	
DISPATCHED FROM SORT FACILITY	11/30/2014	06:31	SALT LAKE CITY, UT 84199	System Generated			11/30/2014 05:58:33	Dispatch L 3005 3958
ENROUTE/PROCESSED	11/29/2014	17:44	SALT LAKE CITY, UT 84199	Scanned	DIOSS-025-	Destined to route 83201516961	11/29/2014 18:53:36	
UNCLAIMED	11/26/2014	17:59	POCATELLO, ID 83201	Scanned	030SHNP599	Scanned by route 3201P591	11/26/2014 19:14:39	
AVAILABLE FOR PICKUP	11/14/2014	11:46	POCATELLO, ID 83201	Scanned	030SHNP599	Scanned by route 3201P591	11/14/2014 19:12:44	
NO AUTHORIZED RECIPIENT AVAILABLE	11/10/2014	12:00	POCATELLO, ID 83201	Scanned	030SHNP705	Scanned by route 3201C022	11/10/2014 13:12:39	GEO Loca
SORTING/PROCESSING COMPLETE	11/10/2014	07:54	POCATELLO, ID 83201	System Generated			11/10/2014 14:23:33	Distribution 8000 1411
ARRIVAL AT UNIT	11/10/2014	07:14	POCATELLO, ID 83201	Scanned	030SHQ073P	Scanned by route 83201	11/10/2014 13:58:45	
ENROUTE/PROCESSED	11/10/2014	05:38	POCATELLO, ID 83202	Scanned	DBOSS-004-	Destined to route 83201516961	11/10/2014 06:54:50	
DISPATCHED FROM SORT FACILITY	11/09/2014	02:56	POCATELLO, ID 83202	System Generated			11/09/2014 04:12:52	Dispatch L 0904 0401

Event	Event Date	Event Time	Location	Input Method	Scanner ID	Carrier Route	Posting Date / Time (Central Time)	Other In
ENROUTE/PROCESSED	11/09/2014	01:30	POCATELLO, ID 83202	Scanned	DBOSS-004-	Destined to route 83201516961	11/09/2014 02:32:36	
ENROUTE/PROCESSED	11/07/2014	21:04	BOISE, ID 83708	Scanned	CIOSS-003-	Destined to route C022	11/07/2014 22:10:42	

Enter up to 10 items separated by commas.

Select Search Type: Quick Search

Submit

Product Tracking & Reporting, All Rights Reserved
Version: 2.0.0.12

EXHIBIT F

DAILY REPORT

CASH RECEIPTS		DATE 11-10-2014
Code SALES Drink Tax		\$ Cash
1032.80 23060 71.92		\$ 1112.97
		\$
		\$ 1335.32
		\$ 1112.97
TOTAL RECEIPTS		\$ 222.35
CASH PAID OUT		Supplies - 40.86
		\$ 101.49
		\$
		\$
		\$
		\$
		\$
		\$
		\$
TOTAL PAID OUT		\$
NET RECEIPTS		\$
CASH IN REGISTER		\$
LESS CHANGE FUND		\$
NET CASH		\$
CASH OVER OR SHORT		\$

FORM E4691

ACCOUNTANT STATIONERS & PRINTERS • LOS ANGELES

EXHIBIT G

BIG LOTS!

BIG LOTS STORES - #4569
Foothill Plaza S/C
1000 Pocatello Creek Road
Pocatello ID 83201-2926
208-232-0034

11/10/2014 10:55:25 AM MST
Trans.: 6374 Store: 04569
Reg.: 001 Till: perez
Cashier: 1546720 Sales: 1546720

SALE



PAPRIKA	1.00 T	
110109850 1 @ 1.00		
PAPRIKA	1.00 T	
110109850 1 @ 1.00		
PAPRIKA	1.00 T	
110109850 1 @ 1.00		
PAPRIKA	1.00 T	
110109850 1 @ 1.00		
PAPRIKA	1.00 T	
110109850 1 @ 1.00		
PAPRIKA	1.00 T	
110109850 1 @ 1.00		
Sub-Total	6.00	
ID 6% Taxable	6.00	
ID 6% Tax	0.36	
Total Sales Tax	0.36	
Total	6.36	
Cash	20.00	
Total Tender	20.00	
Change Due	-13.64	

SEÑOR IGUANA'S
961 HILLINE RD
POCATELLO, ID 83201
208-406-6712
39300981495327

Merchant ID: 300981495327

Ref #: 0001

Sale

XXXXXXXXXX7246
VISA

Entry Method: Swiped

Amount: \$ 7.41
Tip: \$ 3.00
Total: \$ 10.41

11/10/14 12:16:02
Inv #: 000001 Appr Code: 024357
Transaction ID: 304314633628552
Apprvd: Online Batch#: 000004

I agree to pay above total amount
according to card issuer agreement
(Merchant agreement if credit voucher)

HALL-BETTY ANN

Merchant Copy

THANK YOU

SEÑOR IGUANA'S
961 HILLINE RD
POCATELLO, ID 83201
208-406-6712
39300981495327

Merchant ID: 300981495327

Ref #: 0002

Sale

XXXXXXXXXX4952
VISA

Entry Method: Swiped

Amount: \$ 9.53
Tip: \$ 2.00
Total: \$ 11.53

11/10/14 12:25:15
Inv #: 000002 Appr Code: 010608
Transaction ID: 304314639151789
Apprvd: Online Batch#: 000004

I agree to pay above total amount
according to card issuer agreement
(Merchant agreement if credit voucher)

MENDENHALL-CINDY JO

Merchant Copy

THANK YOU

SEÑOR IGUANA'S
961 HILLINE RD
POCATELLO, ID 83201
208-406-6712
39300981495327

Merchant ID: 300981495327

Ref #: 0003

Sale

XXXXXXXXXX8158
VISA

Entry Method: Swiped

Amount: \$ 31.56
Tip: \$ 0.00
Total: \$ 31.56

11/10/14 12:36:52
Inv #: 000003 Appr Code: 008369
Transaction ID: 304314706122881
Apprvd: Online Batch#: 000004

I agree to pay above total amount
according to card issuer agreement
(Merchant agreement if credit voucher)

BIGELOW-BLATR

Merchant Copy

THANK YOU

EXHIBIT H

INVOICE

Page 1 of 2

Ph: (208) 733-6716 Fax: (208) 734-3447
Email: acctrec24@ameripride.com

Customer Number: 245063400

Account Type: Charge

Invoice Number: 2400369049

Invoice Date: 11/10/2014

Route: 20 DOUG CONLIN

Service: Weekly - MO

✓ 11118
107.01
11/10/14

Deliver To:	Bill To:
SENOR IGUANAS	SENOR IGUANAS
961 HILINE	MARCIA CORONA
POCATELLO, ID 83201	961 HILINE
	POCATELLO, ID 83201

Del Qt	Line	Type	Item Description	Emp Name	Emp #	Inv	Unit Price	Bill Qty	Total
EVEXC	Rent		A152WHT APRON BIB WHIT			50	0.3939	25	9.85T
EVEXC	Rent		A7626BK APRON WAIST 3			50	0.3235	25	8.09T
EVEXC	Rent		GW35WHT TOWEL GRILL W			10	0.2199	5	1.10T
EVEXC	Rent		P294WHT POT HOLDER			30	0.1965	15	2.95T
EVEXC	Rent		T606RED TOWEL BAR RED			100	0.1441	52	7.49T
EVEXC	Rent		TMCRWHT TOWEL BAR MIC			100	0.2358	50	11.79T
	Rent		TS51RED TBCL 53X114 RE			0	1.2982		0.00T
	Rent		TS52RED TBCL 52X52 RED			0	1.0386		0.00T
	Rent		TS52WHT TBCL 52X52 WHI			0	1.0386		0.00T
	Rent		TS57WHT TBCL 53X69 WHI			0	1.2982		0.00T
	Rent		TS59WHT TBCL 53X96 WHI			0	1.2982		0.00T
	Inv Care		Flats						3.55T
EVEXC	Rent		MPWMLGG MOP WET LARG			12	1.7202	6	10.32T
EVEXC	Rent		MA15BLK MAT 3X5 ANTIFA			8	3.4993	4	14.00T
EVEXC	Rent		MN12LOG MAT 3X4 LOGO			2	2.5000	1	2.50T
EVEXC	Rent		MN12SGR MAT 3X4 HUNTE			4	3.8698	2	7.74T
EVEXC	Rent		MN30SGR MAT 3X10 SPRU			2	6.8336	1	6.83T
2	Sales		AFRESHB AIR FRESH CARTR			0	3.3696	2	6.74T
EVEXC	Rent		D202202 M-BOX DISP - H			3	0.0000	3	0.00T
EVEXC	Rent		DISPARL DISPENSER AIR FR			2	0.0000	2	0.00T
EVEXC	Rent		DISPQCK QUICK CHG BLK			2	0.0000	2	0.00T
EVEXC	Rent		DISPTIS T-BOX (TISSUE)			2	0.0000	2	0.00T
	Sales		GSCNAPL APPLE FRAGRAN			0	0.0000		0.00T
1	Sales		HSPNK10 LOTION HAND S			0	0.0000	1	0.00T
	Sales		PAPCP66 CENTER PULL TO			0	57.2400		0.00T
	Sales		PAPJT15 JUMBO TISSUE 2PL			0	46.1300		0.00T
EVEXC	Rent		PNKLOTS PINK PEARL CHG			1	4.4636		0.00T
	Ser Chg		SRVFIX SERVICE CHARGE						8.00T

Subtotal	100.95
Tax	6.06
Total Due: USD	107.01

Please Remit Payment to : AmeriPride Services Inc., PO Box 728, Bemidji, MN, 56619-0728 within 27 days.

Thank you for your business!

EXHIBIT I



DEPARTMENT
HEALTH & WELFARE

IDAHO CHILD SUPPORT

Mail Distribution Unit
3402 Franklin Road
Caldwell, ID 83605-6932

CERTIFIED MAIL



7012 3050 0001 2129 7969

BOISE ID 837

NOV 20 2014 PM 2 T

FIRST CLASS



NOV 21 2014
0001393068

Save time: Pay support on-line at www.healthandwelfare.idaho.gov

83201+5169



Help



Product Tracking & Reporting

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USPS Corporate
Accounts

December 31, 2014

USPS Tracking Intranet Tracking Number Result

Result for Domestic Tracking Number 7008 3230 0000 1934 5124

Destination and Origin								
Destination								
ZIP Code	City	State						
83201	POCATELLO	ID						
Origin								
City	State							
Tracking Number Classification								
<p align="center">Class/Service</p> <p align="center">Class/Service: Certified Mail</p> <p align="center">Class of Mail Code/Description: -1 / Unknown</p> <p align="center">Destination Address Information</p> <p align="center">Address: 961 HILINE RD</p> <p align="center">City: POCATELLO</p> <p align="center">State: ID</p> <p align="center">5-Digit ZIP Code: 83201</p> <p align="center">4-Digit ZIP Code add on: 5169</p> <p align="center">Delivery Point Code: 61</p> <p align="center">Record Type Code: Street Record</p> <p align="center">Payment</p> <p align="center">Weight: 0 lb(s) 0 oz(s)</p>								
Extra Services								
Extra Services Details								
Description	Amount							
Certified Mail								
Events								
Event	Event Date	Event Time	Location	Input Method	Scanner ID	Carrier Route	Posting Date / Time (Central Time)	Other Information
DELIVERED	11/05/2014	12:32	POCATELLO, ID 83201	Scanned	030SHNP705	Scanned by route 3201C022	11/05/2014 18:12:42	View Delivery Signature and Address Facility Finance Number: 157225 Request Delivery Record
OUT FOR DELIVERY	11/05/2014	08:04	POCATELLO, ID 83201	System Generated			11/05/2014 14:58:32	
SORTING/PROCESSING COMPLETE	11/05/2014	07:54	POCATELLO, ID 83201	System Generated			11/05/2014 14:47:35	
ARRIVAL AT UNIT	11/05/2014	07:42	POCATELLO, ID 83201	Scanned	030SHQ073P	Scanned by route DIST	11/05/2014 14:46:35	
ENROUTE/PROCESSED	11/05/2014	04:37	POCATELLO, ID 83202	Scanned	DBOSS-004-	Destined to route 63201516961	11/05/2014 05:54:10	
DISPATCHED FROM SORT FACILITY	11/05/2014	02:42	POCATELLO, ID 83202	System Generated			11/05/2014 05:13:49	Dispatch Label ID: DS14 4142 2333 1411 0503 4714
ENROUTE/PROCESSED	11/05/2014	01:48	POCATELLO, ID 83202	Scanned	DBOSS-004-	Destined to route 63201516961	11/05/2014 03:56:58	

546

Event	Event Date	Event Time	Location	Input Method	Scanner ID	Carrier Route	Posting Date / Time (Central Time)	Other Information
ENROUTE/PROCESSED	11/04/2014	21:52	POCATELLO, ID 83202	Scanned	DIOSS-002-	Destined to route C022	11/04/2014 22:58:35	

Enter up to 10 items separated by commas.

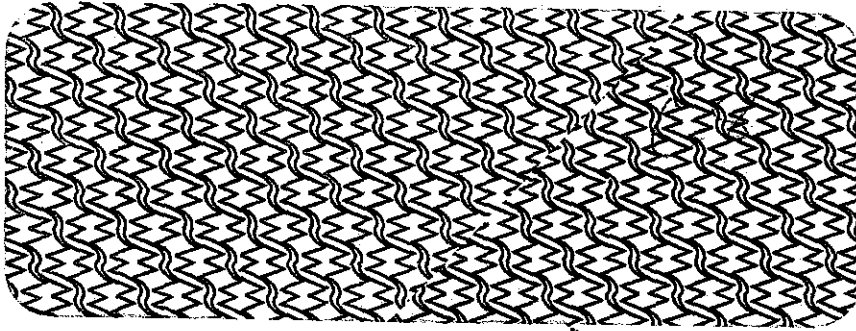
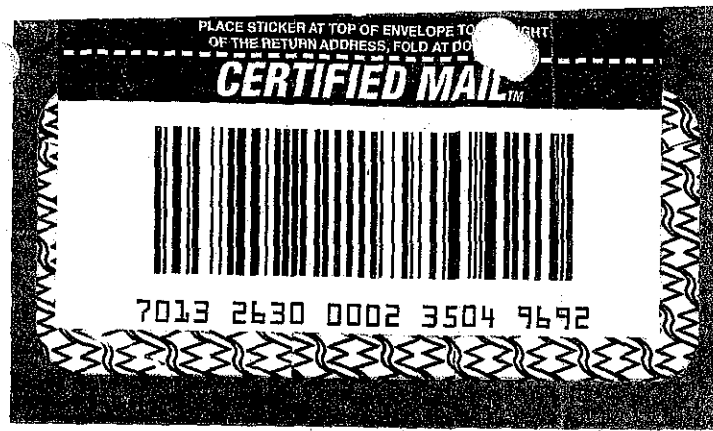
Select Search Type: Quick Search

Submit

Product Tracking & Reporting, All Rights Reserved
Version: 2.0.0.12

Internal Revenue Service
Attn: *bb:ml*
1341 Fillmore Street, Suite 201
Twin Falls, ID 83301-3392

Official Business
Penalty for Private Use, \$300





Product Tracking & Reporting

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Rates/
Commitments

PTR / EDW

USPS Corporate
Accounts

December 31, 2014

USPS Tracking Intranet Tracking Number Result

Result for Domestic Tracking Number 7013 2630 0002 3504 9692

Destination and Origin								
Destination								
ZIP Code	City	State						
83201	POCATELLO	ID						
Origin								
City	State							
Tracking Number Classification								
Class/Service Class/Service: Certified Mail Class of Mail Code/Description: -1 / Unknown								
Extra Services								
Extra Services Details								
Description		Amount						
Certified Mail								
Events								
Event	Event Date	Event Time	Location	Input Method	Scanner ID	Carrier Route	Posting Date / Time (Central Time)	Other Information
DELIVERED	11/22/2014	11:46	POCATELLO, ID 83201	Scanned	030SHNP705	Scanned by route 3201C022	11/22/2014 13:04:34	<div>View Delivery Signature and Address</div> <div>Facility Finance Number: 157225</div> <div>Request Delivery Record</div>
SORTING/PROCESSING COMPLETE	11/22/2014	08:25	POCATELLO, ID 83201	System Generated			11/22/2014 14:23:34	Distribution Complete Label ID: DC13 5400 8000 1411 2214 1541
ARRIVAL AT UNIT	11/22/2014	05:21	POCATELLO, ID 83201	Scanned	030SHQ073P	Scanned by route 83201	11/22/2014 13:01:45	

Enter up to 10 items separated by commas.

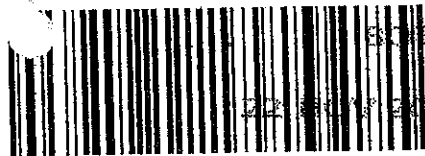
Select Search Type: Quick Search

Submit

 Product Tracking & Reporting, All Rights Reserved
 Version: 2.0.0.12

Revenue Service
Fillmore Street Suite 201
Falls, ID 83301

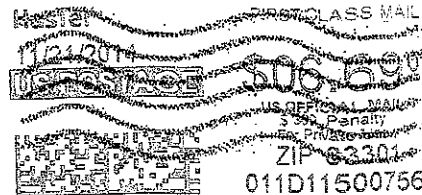
al Business
ity for Private Use, \$300



7013 2630 0002 3504 8442

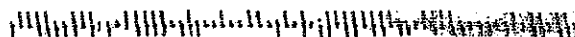
BOISE IL 37

22 JUN 2014 PM 17



Senor Iguanas
961 Hilme Rd
Pocatello, ID 83201

83201\$5169



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Commitments](#)[PTR / EDW](#)[USPS Corporate
Accounts](#)

December 31, 2014

USPS Tracking Intranet Tracking Number Result

Result for Domestic Tracking Number 7013 2630 0002 3504 8442

Destination and Origin		
Destination		
ZIP Code	City	State
83201	POCATELLO	ID
Origin		
City	State	
Tracking Number Classification		
<p align="center">Class/Service</p> <p align="center">Class/Service: Certified Mail</p> <p align="center">Class of Mail Code/Description: -1 / Unknown</p> <p align="center">Destination Address Information</p> <p align="center">Address: 961 HILINE RD</p> <p align="center">City: POCATELLO</p> <p align="center">State: ID</p> <p align="center">5-Digit ZIP Code: 83201</p> <p align="center">4-Digit ZIP Code add on: 5189</p> <p align="center">Delivery Point Code: 61</p> <p align="center">Record Type Code: Street Record</p> <p align="center">Payment</p> <p align="center">Weight: 0 lb(s) 0 oz(s)</p>		

Extra Services

Extra Services Details

Description	Amount
Certified Mail	

Events

Event	Event Date	Event Time	Location	Input Method	Scanner ID	Carrier Route	Posting Date / Time (Central Time)	Other Information
DELIVERED	11/24/2014	11:09	POCATELLO, ID 83201	Scanned	030SHNP705	Scanned by route 3201C022	11/24/2014 13:16:59	<div>View Delivery Signature and Address</div> <div>Facility Finance Number: 157225</div> <div>Request Delivery Record</div>
ARRIVAL AT UNIT	11/24/2014	07:34	POCATELLO, ID 83201	Scanned	030SHQ073P	Scanned by route DIST	11/24/2014 16:15:49	
ENROUTE/PROCESSED	11/24/2014	04:44	POCATELLO, ID 83202	Scanned	DBOSS-004-	Destined to route 83201516961	11/24/2014 05:56:35	
DISPATCHED FROM SORT FACILITY	11/24/2014	03:32	POCATELLO, ID 83202	System Generated			11/24/2014 04:51:35	Dispatch Label ID: <u>DS14 4142 2333 1411 2404 3543</u>
ENROUTE/PROCESSED	11/24/2014	01:40	POCATELLO, ID 83202	Scanned	DBOSS-004-	Destined to route 83201516961	11/24/2014 02:55:50	
ENROUTE/PROCESSED	11/22/2014	22:27	BOISE, ID 83706	Scanned	CIOSS-003-	Destined to route C022	11/22/2014 23:32:35	

Enter up to 10 items separated by commas.

Select Search Type: Quick Search

Submit

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Version: 2.0.0.12



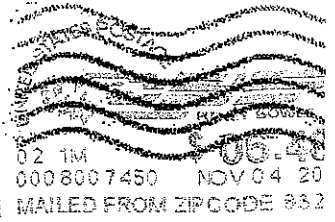
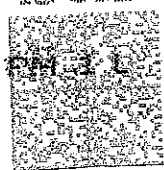
CERTIFIED MAIL™



7008 3230 0000 1934 5124

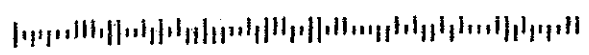
POCATELLO ID 832

NOV 04 2014 PM 3:11



Marcia Corona
d/b/a Senor Iguanas
961 Hilene
Pocatello, ID 83201

8320185169



USPS Tracking Intranet Tracking Number Result

Result for Domestic Tracking Number 7012 3050 0001 2129 7969

Destination and Origin		
Destination		
ZIP Code	City	State
83201	POCATELLO	ID
Origin		
City	State	
Tracking Number Classification		
<p align="center">Class/Service</p> <p>Class/Service: Certified Mail Class of Mail Code/Description: -1/ Unknown</p> <p align="center">Destination Address Information</p> <p>Address: 981 HILINE RD City: POCATELLO State: ID 5-Digit ZIP Code: 83201 4-Digit ZIP Code add on: 5169 Delivery Point Code: 61 Record Type Code: Street Record</p> <p align="center">Payment</p> <p>Weight: 0 lb(s) 0 oz(s)</p>		

Extra Services**Extra Services Details**

Description	Amount
Certified Mail	

Events

Event	Event Date	Event Time	Location	Input Method	Scanner ID	Carrier Route	Posting Date / Time (Central Time)	Other Information
DELIVERED	11/24/2014	11:09	POCATELLO, ID 83201	Scanned	030SHNP705	Scanned by route 3201C022	11/24/2014 13:18:34	<div>View Delivery Signature and Address</div> <div>Facility Finance Number: 157225</div> <div>Request Delivery Record</div>
ARRIVAL AT UNIT	11/24/2014	07:34	POCATELLO, ID 83201	Scanned	030SHQ073P	Scanned by route DIST	11/24/2014 16:15:13	
ENROUTE/PROCESSED	11/24/2014	04:44	POCATELLO, ID 83202	Scanned	DBOSS-004-	Destined to route 83201516961	11/24/2014 05:58:39	
DISPATCHED FROM SORT FACILITY	11/23/2014	02:59	POCATELLO, ID 83202	System Generated			11/23/2014 04:18:37	Dispatch Label ID: DS14 4142 2333 1411 2304 0941
ENROUTE/PROCESSED	11/22/2014	23:38	POCATELLO, ID 83202	Scanned	DBOSS-004-	Destined to route 83201516961	11/23/2014 01:42:16	
ENROUTE/PROCESSED	11/21/2014	20:31	BOISE, ID 83708	Scanned	DIOSS-013-	Destined to route 83201516961	11/21/2014 21:33:59	
ENROUTE/PROCESSED	11/21/2014	19:24	BOISE, ID 83708	Scanned	DBOSS-009-	Destined to route C022	11/21/2014 20:28:38	

Enter up to 10 items separated by commas.

Select Search Type: Quick Search

Submit

2015 JAN 20 AM 9: 54

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

IN THE MATTER OF:)	Case No. CV-2014-4955-OC
)	
)	TABLE OF CONTENTS FOR
Senior Iguana's, Inc.)	SETTLED AGENCY RECORD
dba Senior Iguana's)	
961 Hiline Road)	
Pocatello, ID 83201)	

The following documents (copies thereof) comprise the Settled Agency Record in the above-referenced matter:

1. Certification of Agency Record & Affidavit of Certification by Custodian of Public Records.
2. Order to Cease and Desist and Notice of Cancelled Retail Alcohol Beverage License.
3. The 2015 Idaho State Police Retail Alcohol Beverage License number 3622 issued to Senior Iguanas, Inc., dba, Senior Iguana's.
4. The Certified Mail, Return Receipt Requested, envelope from Idaho State Police, Alcohol Beverage Control, addressed to Senior Iguanas Inc, 961 Hiline Road, Pocatello, ID 83201, postmarked November 7, 2014, marked by USPS as "Return to Sender, Unclaimed, Unable to Forward" dated 11/29/14.
5. The unclaimed Certified Mail Return Receipt addressed to Senior Iguanas Inc., 961 Hiline Road, Pocatello, Idaho 83201.
6. The USPS Tracking (Tracking Number: 70042510000039636226) for the Certified Mail described in numbers 4 and 5, above.
7. The letter from Idaho State Police, Alcohol Beverage Control, Management Assistant Nichole Harvey to Senior Iguana's Inc., 961 Hiline Road, Pocatello, ID 83201, dated November 16 [sic], 2014. This is the letter contained in the

envelope sent by Certified Mail, Return Receipt Requested, as described in number 4, above. The date of the letter should read November 6, 2014.

8. The Not Sufficient Funds check from Senor Iguana's, Inc., which had been made payable to State of Idaho, dated 10/22/14, in the amount of \$800.00.

9. An email dated November 4, 2014 from Julie Hamilton, Idaho State Police Financial Services, to Kelsey Woodward, Licensing Specialist, Alcohol Beverage Control, notifying Ms. Woodward of NSF checks.

10. Idaho State Police, Alcohol Beverage Control, Applicant Return Record, addressed to Senor Iguanas Inc., Senor Iguana's, 961 Hilina Rd., Pocatello, ID 83201, notifying Senor Iguanas, Inc. that "Your license has been lost due to non renewal and because sufficient funds were not received with the 2016 renewal. We are returning your Cashier's Check to you. Thank you."

11. The 2015 Idaho State Police Retail Alcohol Beverage License number 3622 issued to Senor Iguanas, Inc., dba, Senor Iguana's.

12. Idaho State Police Alcohol Beverage License Renewal Application for applicant Senor Iguanas Inc., completed by Marcia E. Corona on 10/22/14, and received by Idaho State Police Alcohol Beverage Control on Oct. 23, 2014.

13. Letter from the Idaho State Tax Commission, dated October 23, 2014, addressed to the Director of the Idaho State Police Alcohol Beverage Control releasing the Liquor License Hold (IDAHO CODE § 23-950) for license number 3622.

14. Letter from the Idaho State Tax Commission, dated April 29, 2014, placing a liquor license hold on liquor license number 3622, issued to Senor Iguanas, Inc. for unpaid debt to the Idaho State Tax Commission, pursuant to IDAHO CODE § 23-950.

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16. Idaho State Police Alcohol Beverage License Renewal Application for applicant Senor Iguanas Inc., completed by Marcia E. Corona on 09/24/13, and received by Idaho State Police Alcohol Beverage Control on Oct. 08, 2013.

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DATED this 15th day of January 2015.

OFFICE OF THE ATTORNEY GENERAL
FOR THE STATE OF IDAHO

Handwritten signature of Stephanie A. Altig in cursive script.

STEPHANIE A. ALTIG
LEAD DEPUTY ATTORNEY GENERAL
IDAHO STATE POLICE
ALCOHOL BEVERAGE CONTROL

**IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK**

IN THE MATTER OF:)	Case No. CV-2014-4955-OC
)	
)	TABLE OF CONTENTS FOR
Senior Iguana's, Inc.)	SETTLED AGENCY RECORD
dba Senior Iguana's)	
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//
//
//

DATED this 15th day of January 2015.

OFFICE OF THE ATTORNEY GENERAL
FOR THE STATE OF IDAHO

A handwritten signature in black ink, reading "Stephanie A. Altig". The signature is written in a cursive style with a large initial 'S' and a long horizontal stroke at the end.

STEPHANIE A. ALTIG
LEAD DEPUTY ATTORNEY GENERAL
IDAHO STATE POLICE
ALCOHOL BEVERAGE CONTROL

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

Respondent.

) Case No.: 14ABC026
)
) **CERTIFICATION**
) **OF AGENCY RECORD**

EXHIBIT
1.
92 of 155

**A CONTESTED MATTER BEFORE THE DIRECTOR
OF THE IDAHO STATE POLICE**

IN THE MATTER OF:	)	Case No. 14ABC026
)	
	)	ORDER TO CEASE
Senior Iguana's, Inc.	)	AND DESIST AND
dba Senior Iguana's	)	NOTICE OF CANCELLED
961 Hiline Road	)	RETAIL ALCOHOL
Pocatello, ID 83201	)	BEVERAGE LICENSE

I. Introduction.

This matter is before the Idaho State Police, Bureau of Alcohol Beverage Control (ABC), under the authority of IDAHO CODE §§ 23-903, 23-904, 23-907, 23-908, 23-933, 23-1010, 23-1037, 23-1306, 23-1315 and 67-5247 and IDAPA 11.05.01.03 against Senior Iguana's, Inc., dba Senior Iguana's ("Senior Iguana's"), doing business at 961 Hiline Road, Pocatello, ID 83201.

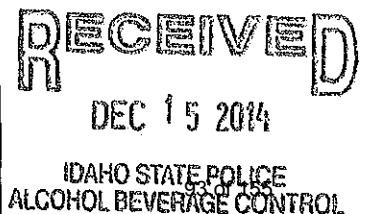
II. Findings of Fact

A. Senior Iguana's Is Not Licensed to Sell Alcoholic Beverages.

1. Senior Iguana's was issued a Retail Alcohol Beverage License to sell liquor by the drink, beer, and wine, for Premise Number 1B-45, License Number 3622, for the period of November 01, 2014, through October 31, 2015.

2. When Senior Iguana's sought renewal of the license referenced in paragraph 1, above, ABC accepted a check from Senior Iguana's, Inc., in the amount of

ORDER TO CEASE AND DESIST AND NOTICE OF
CANCELLED RETAIL ALCOHOL BEVERAGE



\$800.00 for the license renewal fee, but the check was subsequently returned by Senior Iguana's bank due to non-sufficient funds.

3. In a letter postmarked to Senior Iguana's on November 7, 2014,¹ ABC advised Senior Iguana's that it must submit a money order or cashier's check in the renewal fee amount of \$800.00 (the NSF check submitted was for \$800.00) plus a separate money order or check in the amount of \$20.00 to cover the non-sufficient funds handling fee, to ABC by November 25, 2014.

4. As of today's date, Senior Iguana's, nor or anyone representing it, has paid the license renewal fee for the license dated November 1, 2014, through October 31, 2015, for Premise Number 1B-45, License Number 3622.

6. Therefore Senior Iguana's is not licensed to sell any alcoholic beverages anywhere within the state of Idaho.

III. Conclusions of Law

Senior Iguana's is in the business of selling alcoholic beverages, including liquor by the drink, without an Idaho Retail Alcohol Beverage License. Idaho law requires such an enterprise to be licensed in order to engage in such business activities. IDAHO CODE § 23-901, *et. seq.* This violation of law causes an immediate danger to the public health, safety and welfare requiring immediate agency action. IDAHO CODE § 67-5247.

ORDER TO CEASE AND DESIST

Based on the foregoing, IT IS HEREBY ORDERED that Senior Iguana's shall immediately upon its receipt of this Order, CEASE AND DESIST selling any alcoholic beverages in the state of Idaho. Failure to do so may result in commencement of injunctive relief or other appropriate action.

¹ This letter was erroneously dated November 16, 2014.

ORDER TO CEASE AND DESIST AND NOTICE OF
CANCELLED RETAIL ALCOHOL BEVERAGE LICENSE- 2

RECEIVED
DEC 15 2014
IDAHO STATE POLICE
ALCOHOL BEVERAGE CONTROL

This is a final order of the agency. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The agency will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. IDAHO CODE § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- (a) A hearing was held,
- (b) The final agency action was taken,
- (c) The party seeking review of the order resides, or operates its principal place of business in Idaho, or
- (d) The real property or personal property that was the subject of the agency action is located.

An appeal must be filed within twenty-eight (28) days:

- (a) of the service date of this final order,
- (b) of an order denying petition for reconsideration, or
- (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. IDAHO CODE § 67-5273.

The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

//

ORDER TO CEASE AND DESIST AND NOTICE OF
CANCELLED RETAIL ALCOHOL BEVERAGE LICENSE- 3

RECEIVED
DEC 15 2014
IDAHO STATE POLICE
ALCOHOL BEVERAGE CONTROL
95 of 155

Dated this 9th day of December, 2014.


Lt. Russell Wheatley
Idaho State Police
Alcohol Beverage Control

CERTIFICATE OF SERVICE

I, DETECTIVE H. CALDERA, certify that on the 17th day of
December 2014, at 11:00 am / pm, I personally served a true and correct copy of the
**ORDER TO CEASE AND DESIST AND NOTICE OF CANCELLED RETAIL
ALCOHOL BEVERAGE LICENSE** in the above entitled matter upon:

Marcia Corona at
961 HILINE RD. POCAHELLO ID 83201


Signature of Server

H. CALDERA
Server's Printed Name

ORDER TO CEASE AND DESIST AND NOTICE OF
CANCELLED RETAIL ALCOHOL BEVERAGE LICENSE- 4

RECEIVED
DEC 15 2014
IDAHO STATE POLICE
ALCOHOL BEVERAGE CONTROL

State of Idaho

Idaho State Police

Cycle Tracking Number: 75949
ISLD ID: 375

License Year: 2015

License Number: 3622

EXHIBIT

3.

RECEIVED
DEC 15 2014
IDAHO STATE POLICE
ALCOHOL BEVERAGE CONTROL

THIS LICENSE MUST BE CONSPICUOUSLY DISPLAYED

Premise Number: 1B-45

Incorporated City

Retail Alcohol Beverage License

This is to certify, that Senor Iguanas Inc
doing business as: Senor Iguana's

is licensed to sell alcoholic beverages as stated below at:

961 Hiline Rd, Pocatello, Bannock County

Acceptance of a license by a retailer shall constitute knowledge of and agreement to operate by and in accordance to the Alcohol Beverage Code, Title 23. Only the licensee herein specified shall use this license.

County and city licenses are also required in order to operate.

Liquor	Yes	<u>\$750.00</u>
Beer	Yes	<u>\$50.00</u>
On-premise consumption	Yes	<u>\$0.00</u>
Kegs to go	No	
Restaurant	Yes	<u>\$0.00</u>
Wine by the bottle	Yes	<u>\$0.00</u>
Wine by the glass	Yes	<u>\$0.00</u>
Multipurpose arena	No	
Growlers	No	

TOTAL FEE: \$800.00

Marcia E. Corona

Signature of Licensee, Corporate Officer, LLC Member or Partner

SENIOR IGUANAS INC
SENIOR IGUANA'S
961 HILINE RD

POCATELLO, ID 83201

Mailing Address

License Valid: 11/01/2014 - 10/31/2015

Expires: 10/31/2015

Pat Powell

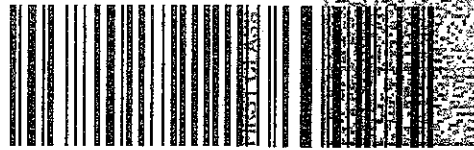
Director of Idaho State Police





Idaho State Police
Alcohol Beverage Control
700 S. Stratford Drive, Suite 115
Meridian, ID 83642-6202

CERTIFIED MAIL™



U.S. POSTAGE PITNEY BOWES



ZIP 83702 \$ 006.43⁰
02 1W
0001393368 NOV 07 2014

7004 2510 0000 3963 6221

RECEIVED
DEC 03 2014
IDAHO STATE POLICE
ALCOHOL BEVERAGE CONTROL

SENOR IGUANAS INC
961 HILINE ROAD
POCATELLO ID 83201

RECEIVED
DEC 11 2014
IDAHO STATE POLICE
ALCOHOL BEVERAGE CONTROL

Handwritten:
a61
11/10-155
R11-25

WIKIE 841 DE 1889 8011/29/14

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 83642625740 *0495-00579-07-42

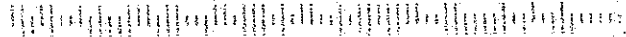


EXHIBIT
4.



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS; FOLD AT DOTTED LINE

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		<p>A. Signature <input type="checkbox"/> Agent X <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>SEÑOR IGUANAS INC 961 HILINE ROAD POCATELLO ID 83201</p> <p>1B-45</p>		<p>B. Received by (<i>Printed Name</i>)</p>	<p>C. Date of Delivery</p>
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
		<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>2. Article Number (Transfer from service label)</p>		<p>4. Restricted Delivery? (<i>Extra Fee</i>) <input type="checkbox"/> Yes</p>	

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

English

Customer Service

USPS Mobile

Register / Sign In



USPS Tracking™

Customer Service ›
Have questions? We're here to help.

Tracking Number: 70042510000039636226

Updated Delivery Day: Wednesday, December 3, 2014

Product & Tracking Information

Postal Product:

Features:
Certified Mail™

Available Actions

Text Updates

Email Updates

Return Receipt After Mailing

December 3, 2014 , 12:10
pm

Delivered

MERIDIAN, ID 83642

Your item was delivered at 12:10 pm on December 3, 2014 in MERIDIAN, ID 83642.

December 3, 2014 , 1:54 am

Departed USPS Facility

BOISE, ID 83708

December 2, 2014 , 6:51 pm

Arrived at USPS Facility

BOISE, ID 83708

December 1, 2014 , 3:51 pm

Departed USPS Facility

SALT LAKE
CITY, UT 84199November 29, 2014 , 5:44
pm

Arrived at USPS Facility

SALT LAKE
CITY, UT 84199November 26, 2014 , 5:59
pm

Unclaimed

POCATELLO, ID 83201

November 14, 2014 , 11:46
am

Available for Pickup

POCATELLO, ID 83201

November 10, 2014 , 12:00
pmNotice Left (No Authorized
Recipient Available)

POCATELLO, ID 83201

November 10, 2014 , 7:54
am

Sorting Complete

POCATELLO, ID 83201

November 10, 2014 , 7:14
am

Arrived at Unit

POCATELLO, ID 83201

November 10, 2014 , 5:38
am

Departed USPS Facility

POCATELLO, ID 83202

November 9, 2014 , 1:30 am

Arrived at USPS Facility

POCATELLO, ID 83202

November 7, 2014 , 9:04 pm

Arrived at USPS Facility

BOISE, ID 83708

Track Another Package

Tracking (or receipt) number

Track It

EXHIBIT

6.

HELPFUL LINKS

Contact Us
Site Index
FAQs

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USPS Service Updates
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Search or Enter a Tracking Number



Idaho State Police

Service Since 1939



Colonel Ralph W. Powell
Director

C.L. "Butch" Otter
Governor

November 16, 2014

Senor Iguana's, Inc.
961 Hiline Road
Pocatello, ID 83201

Re: Premise #1B-45

Dear Licensee:

Our office was notified that the check in the amount of **\$800** which you submitted for your 2015 license renewal was returned to our office as "not sufficient funds".

You must submit a money order or cashier's check in the amount of **\$800** by **November 25, 2014**. You will also need to include a separate money order or cashier's check for **\$20** to cover the handling fee. If these payments are not received by the above date your license application will be cancelled.

We will be unable to accept a personal check from you for three years.

Thank you for your prompt attention to this matter.

Sincerely,

Nichole Harvey
Management Assistant
Alcohol Beverage Control Bureau
Idaho State Police

I apologize - 12/30/14
You will see that I made
a typo on the date of the
letter to Senor Iguana's notifying
them of the NSF check - The
date was November 6th not 16th
This is reflected on the tracking
doc from the USPS - Arrived 11/7/14

Harvey, Nichole

From: Woodward, Kelsey
Sent: Tuesday, November 04, 2014 1:44 PM
To: Harvey, Nichole
Subject: FW: NSF checks for 11/4
Attachments: ISP 11-4.pdf

FYI...

*Kelsey Woodward
Licensing Specialist
Alcohol Beverage Control
208.884.7060*

Any information provided by Alcohol Beverage Control is for informational use only based on the information provided at the time and is not intended to be legal advice. Any person that relies on any information obtained from this correspondence without consulting with competent, independent legal counsel does so at his or her own risk. Submission of an application for an alcohol beverage license does not guarantee a license will be granted. The final decision to grant an alcohol beverage license is based on a review of a completed and timely submitted application.

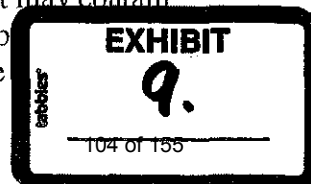
CONFIDENTIALITY NOTICE: This e-mail is intended only for the personal and confidential use of the individual(s) named as recipients (or the employee or agent responsible to deliver it to the intended recipient) and is covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521. It may contain information that is privileged, confidential and/or protected from disclosure under applicable law including, but not limited to, the attorney client privilege and/or work product doctrine. If you are not the intended recipient of this transmission, please notify the sender immediately by telephone. Do not deliver, distribute or copy this transmission, disclose its contents or take any action in reliance on the information it contains. transmission, disclose its contents or take any action in reliance on the information it contains.

From: Hamilton, Julie
Sent: Tuesday, November 04, 2014 1:27 PM
To: Woodward, Kelsey
Subject: FW: NSF checks for 11/4

*Julie Hamilton
Idaho State Police
Financial Services
(208) 884-7058*



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this transmission, please notify the sender immediately by telephone. Do not deliver, distribute or copy this transmission, disclose its contents or take any action in reliance on the information it contains

From: Kara Lugo [<mailto:Kara.Lugo@sto.idaho.gov>]
Sent: Tuesday, November 04, 2014 1:19 PM
To: Brown, Jeanette; Hamilton, Julie
Subject: NSF checks for 11/4

Good afternoon,

Here are the returns for today.

Have a great afternoon.

Thanks,

*Kara Lugo
Idaho State Treasurer's Office
700 W. Jefferson
Suite 126
Boise, ID 83702
332-2971*



IDAHO STATE POLICE
ALCOHOL BEVERAGE CONTROL

700 S. Stratford Dr. Ste 115, Meridian, ID 83642
(208) 884-7060



APPLICANT RETURN RECORD

Premise Number: 1B-45

License Number:

SEÑOR IGUANAS INC
SEÑOR IGUANA'S
961 HILINE RD
POCATELLO, ID 83201

We are in receipt of your application for a 2016 Alcohol Beverage License. The application is being returned pending receipt of the following:

Your license has been lost due to non renewal and because sufficient funds were not received with the 2016 renewal. We are returning your Cashier's Check to you. Thank you.

License fees are as follows:

License Fees

Other Fees (include separate check)



Failure to provide the requested information may delay the issuance of your license(s).

State of Idaho

Idaho State Police

Cycle Tracking Number: 75949
ISLD ID: 375

License Year: 2015
License Number: 3622

EXHIBIT
11.

Premise Number: 1B-45
Incorporated City

Retail Alcohol Beverage License

This is to certify, that Senor Iguanas Inc
doing business as: Senor Iguana's

is licensed to sell alcoholic beverages as stated below at:
961 Hiline Rd, Pocatello, Bannock County

Acceptance of a license by a retailer shall constitute knowledge of and agreement to operate by and in accordance to the Alcohol Beverage Code, Title 23. Only the licensee herein specified shall use this license.

County and city licenses are also required in order to operate.

Liquor	Yes	<u>\$750.00</u>
Beer	Yes	<u>\$50.00</u>
On-premise consumption	Yes	<u>\$0.00</u>
Kegs to go	No	
Restaurant	Yes	<u>\$0.00</u>
Wine by the bottle	Yes	<u>\$0.00</u>
Wine by the glass	Yes	<u>\$0.00</u>
Multipurpose arena	No	
Growlers	No	

TOTAL FEE: \$800.00

Signature of Licensee, Corporate Officer, LLC Member or Partner

SENIOR IGUANAS INC
SENIOR IGUANA'S
961 HILINE RD

POCATELLO, ID 83201

Mailing Address

License Valid: 11/01/2014 - 10/31/2015

Expires: 10/31/2015

John Powell

Director of Idaho State Police





Idaho State Police

Alcohol Beverage License Renewal Application

Alcohol Beverage Control
700 S. Stratford Dr. Ste 115, Meridian, ID
83642
(208) 884-7060



1. Applicant

Applicant: Senor Iguanas Inc

(Applicant Name: Individuals(s), Corporation, LLC or Partnership)

DBA: Senor Iguana's

Location: 961 Hiline Rd

City, County, Zip: Pocatello, Bannock, 83201

Business Telephone: 208 233 4422

Premise Number: **1B-45**

License #: **3622**

License Period: **2015**

2. License Type and Fees

License Type: Incorporated City

Liquor	Yes	\$750.00
Beer	Yes	\$50.00
On-premise	Yes	\$0.00
Kegs to go	No	
Restaurant	Yes	\$0.00
Wine by the bottle	Yes	\$0.00
Wine by the glass	Yes	\$0.00
Multipurpose arena	No	

Total Fee Enclosed: **\$800.00**

SENOR IGUANAS INC
SENOR IGUANA'S
961 HILINE RD
POCATELLO, ID 83201

Mailing Address

*✓ #11101
\$800*

3. Idaho State Tax Commission Seller's Permit Number

000678704-5

RECEIVED
OCT 23 2014

IDAHO STATE POLICE
ALCOHOL BEVERAGE CONTROL

4. List sole proprietor(s) all partners, corporate officers, directors, ten primary stockholders, LLC/LLP members/partners of the applicant. Please attach additional pages as necessary.

(Name) MARCELA E. CORONA (Title) PRES.
(Contact Phone Number) 208-233-4422

(Name) _____ (Title) _____
(Contact Phone Number) _____

(Name) _____ (Title) _____
(Contact Phone Number) _____

License #: 3622

ABC-Retail App Renewal (Revised 09/2009)

License Period: 2015

Printed 09/28/2014



5. Does anyone listed above have any direct or indirect interest in any other business licensed for the sale of beer, wine, or liquor by the drink? ☒ NO ☐ YES (Explain Below)

6. Has anyone listed above as an individual, a partner, a member (LLC) or while an officer, director of a corporation applicant or licensee ever had an alcohol license denied, suspended or revoked? ☒ NO ☐ YES (Explain below)

7. Has anyone listed above ever been convicted with a felony or an alcohol related misdemeanor? ☒ NO ☐ YES (Attach Explanation)

8. Does anyone have any financial interest in the Applicant's business not previously listed on #4, including silent partners, financial loans, etc.? ☒ NO ☐ YES (Attach Explanation)

9. **Premise Diagram/Floor Plan** No architectural blue prints - On paper no larger than 8.5" x 11"

If you have had any changes in the premise from the previous year:

Attach a sketch showing the entire area proposed to be licensed to sell, serve, dispense or store alcoholic beverages, including patios, decks, etc. Diagram must show all entrances, exits, offices, restrooms, kitchen facilities (if applicable), bar(s), bar backs, liquor cabinets, tables, refrigeration units, partitions, etc. and where license will be prominently displayed.

10. Read the following, sign and have notarized.

The applicant hereby swears or affirms under oath that the applicant is the bona fide owner of the business which is applying for this license and will be engaged in the sale or dispensing of liquor by the drink, beer and/or wine by the bottle and/or glass. The applicant hereby affirms that the applicant is eligible and has none of the disqualifications for a license as provided by Title 23, Chapter 9, 10, 11, 12, 13 and 14, Idaho Code or any amendments thereto.

An applicant for the acceptance of a license by a retailer shall constitute consent to, and be authority for, entry by the Director or his authorized agents, upon any premises related to the licensee's business, or wherein are or should be kept, any of the licensee's books, records, ledgers, supplies or other property related to said business, and to make the inventory, check and investigations aforesaid with relation to said licensee or any other licensee. It shall also constitute consent given to the Director or his authorized agents to view, copy or investigate any documents, including state and federal income and sales tax documents, related to the business or person(s) associated with

I/we, the applicant of this license, have read all of the above and declare under penalty of perjury that the information I/we have provide is true and correct to the best of my/our knowledge.

Marcia E. Corona

Applicant Signature

PRES.

Title

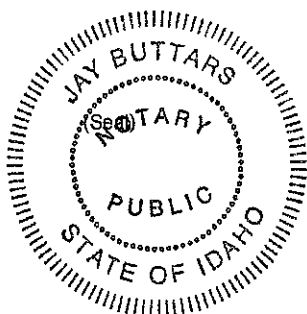
10/22/14

Date

MARCIA E. CORONA

Printed Name

Subscribed and sworn to before me this 22 day of OCTOBER, 20 14.



[Signature]
Notary Public

Residing At: Chubbuck, ID 83402

My Commission Expires:

10-15-16

License #: 3622

ABC-Retail App Renewal (Revised 09/2009)

License Period: 2015

Printed 08/28/2014
109 of 155

IDAHO
State Tax Commission

Field Collection

611 Wilson Street Suite 5 • Pocatello ID 83201-5046

October 23, 2014

Letter ID: L0694948416

DIRECTOR
IDAHO STATE POLICE
ALCOHOL BEVERAGE CONTROL
700 S STRATFORD DR
MERIDIAN ID 83680

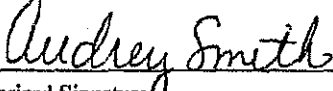
LIQUOR LICENSE HOLD RELEASE

According to Idaho Code § 23-950.

The Idaho State Tax Commission is releasing the liquor license hold we served you on April 30, 2014 for:

Premise #:1B-45
Liquor License #:3622
Licensee: SENOR IGUANAS INC
Doing Business as:SENOR IGUANAS INC
Location:961 Hiline Rd, Pocatello, ID

IDAHO STATE TAX COMMISSION


Authorized Signature
Date

RECEIVED
OCT 23 2014
IDAHO STATE POLICE
ALCOHOL BEVERAGE CONTROL

Released *FW*
10-23-14

SCANNED

IDAHO

State Tax Commission

Field Collection

611 Wilson Street Suite 5 • Pocatello ID 83201-5046

RECEIVED

APR 30 2014

IDAHO STATE POLICE
ALCOHOL BEVERAGE CONTROL

April 29, 2014

Letter ID: L1804987456

SET
4.30.14

DIRECTOR
IDAHO STATE POLICE
ALCOHOL BEVERAGE CONTROL
700 S STRATFORD DR
MERIDIAN ID 83680

Premise #: 1B-45
Liquor License #: 3622
Location: 961 Hiline Rd, Pocatello, ID
Renewal Date: 10/31/14
DBA: SENOR IGUANAS INC

LIQUOR LICENSE HOLD

The Idaho State Tax Commission has determined that SENOR IGUANAS INC has unpaid debt.

Please do not renew, transfer, assign, lease, or sell this business's liquor license, according to Idaho Code section 23-950, until we notify you that the matter has been resolved.

Contact Audrey Smith at (208) 235-3875 if you have any questions.

IDAHO STATE TAX COMMISSION

Jeff Shields
Authorized Signature

4/30/14
Date

Tax Commission Use Only:

Certificate of Service

Jeff Shields
Signature of Deputy

4/30/14 1:30 P.M.
Date and Time

EXHIBIT

19.

Idaho State Police

Cycle Tracking Number: 68759
ISLD ID: 375

Premise Number: 1B-45
Incorporated City

Retail Alcohol Beverage License

License Year: 2014
License Number: 3622

This is to certify, that
doing business as:
is licensed to sell alcoholic beverages as stated below at:

Senor Iguanas Inc
Senor Iguana's

961 Hiline Rd, Pocatello, Bannock
County

Acceptance of a license by a retailer shall constitute knowledge of and agreement to operate by and in accordance to the Alcohol Beverage Code, Title 23. Only the licensee herein specified shall use this license.

County and city licenses are also required in order to operate.

Liquor	Yes	\$750.00
Beer	Yes	\$50.00
On-premise consumption	Yes	\$0.00
Kegs to go	No	
Restaurant	Yes	\$0.00
Wine by the bottle	Yes	\$0.00
Wine by the glass	Yes	\$0.00
Multipurpose arena	No	

TOTAL FEE: \$800.00

Signature of Licensee, Corporate Officer, LLC Member or Partner

SENOR IGUANAS INC
SENOR IGUANA'S
961 HILINE RD

POCATELLO, ID 83201

Mailing Address

SCANNED

License Valid: 11/01/2013 - 10/31/2014

Expires: 10/31/2014



Director of Idaho State Police





Idaho State Police

Alcohol Beverage License Renewal Application

Alcohol Beverage Control
700 S. Stratford Dr. Ste 115, Meridian, ID
83642
(208) 884-7060



1. Applicant

Applicant: Senor Iguanas Inc

(Applicant Name: Individuals(s), Corporation, LLC or Partnership)

Premise Number: **1B-45**

License #: **3622**

License Period: **2014**

DBA: Senor Iguana's

Location: 961 Hiline Rd

City, County, Zip: Pocatello, Bannock, 83201

Business Telephone: 208 233 4422

Idaho State Tax Commission Seller's Permit Number:

82-104916843 000678704

a. License Type: Incorporated City

2. License Type and Fees

Liquor	Yes	\$750.00
Beer	Yes	\$50.00
On-premise	Yes	\$0.00
Kegs to go	No	
Restaurant	Yes	\$0.00
Wine by the bottle	Yes	\$0.00
Wine by the glass	Yes	\$0.00
Multipurpose arena	No	

Total Fee Enclosed: **\$800.00**

Handwritten: 10411
\$800.00

SENOR IGUANAS INC
SENOR IGUANA'S
961 HILINE RD
POCATELLO, ID 83201

Mailing Address

3. List sole proprietor(s) all partners, corporate officers, directors, ten primary stockholders, LLC/LLP members/partners of the applicant.

Please attach additional pages as necessary.

(Name) Marcia E. Corrao

(Title) Pres.

(Contact Phone Number) 208-233-4422

(Name)

(Title)

(Contact Phone Number)

4. Does anyone listed above have any direct or indirect interest in any other business licensed for the sale of beer, wine, or liquor by the drink? ☒ NO ☐ YES (Explain Below)

RECEIVED
OCT 08 2013
RECEIVED
SEP 26 2013

License #: 3622

ABC-Retail App Renewal (Revised 09/2009)

EXHIBIT
16.

IDAHO STATE POLICE
ALCOHOL BEVERAGE CONTROL

License Period: 2014
Printed: 09/30/2013

5. Has anyone listed above as an individual, a partner, a member (LLC) or while an officer, director of a corporation applicant or licensee ever had an alcohol license denied, suspended or revoked? X NO YES (Explain below)

6. Has anyone listed above ever been convicted with a felony or an alcohol related misdemeanor? X NO YES (Attach Explanation)

7. Does anyone have any financial interest in the Applicant's business not previously listed on #3, including silent partners, financial loans, etc.? X NO YES (Attach Explanation)

8. Premise Diagram/Floor Plan No architectural blue prints - On paper no larger than 8.5" x 11"

If you have had any changes in the premise from the previous year:

Attach a sketch showing the entire area proposed to be licensed to sell, serve, dispense or store alcoholic beverages, including patios, decks, etc. Diagram must show all entrances, exits, offices, restrooms, kitchen facilities (if applicable), bar(s), bar backs, liquor cabinets, tables, refrigeration units, partitions, etc. and where license will be prominently displayed.

9. Read the following, sign and have notarized.

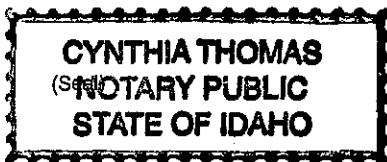
The applicant hereby swears or affirms under oath that the applicant is the bona fide owner of the business which is applying for this license and will be engaged in the sale or dispensing of liquor by the drink, beer and/or wine by the bottle and/or glass. The applicant hereby affirms that the applicant is eligible and has none of the disqualifications for a license as provided by Title 23, Chapter 9, 10, 11, 12, 13 and 14, Idaho Code or any amendments thereto.

An applicant for the acceptance of a license by a retailer shall constitute consent to, and be authority for, entry by the Director or his authorized agents, upon any premises related to the licensee's business, or wherein are or should be kept, any of the licensee's books, records, ledgers, supplies or other property related to said business, and to make the inventory, check and investigations aforesaid with relation to said licensee or any other licensee. It shall also constitute consent given to the Director or his authorized agents to view, copy or investigate any documents, including state and federal income and sales tax documents, related to the business or person(s) associated with the business of selling alcohol as granted herein, as per Idaho Code sections 23-907, 23-1006, 23-1314.

I/we, the applicant of this license, have read all of the above and declare under penalty of perjury that the information I/we have provide is true and correct to the best of my/our knowledge.

Marcia E. Corona Pres. 9-24-2013
Applicant Signature Title Date
Marcia E. Corona
Printed Name

Subscribed and sworn to before me this 24 day of September, 2013.



Cynthia Thomas
Notary Public
Residing Beatello, WA
My Commision Expires: 5-3-2017

LAWRENCE G. WASDEN
Attorney General

STEPHANIE A. ALTIG
Lead Deputy Attorney General
Idaho State Police
700 S. Stratford Drive
Meridian, Idaho 83642
Idaho State Bar No. 4620
Telephone: (208) 884-7050
Facsimile: (208) 884-7228

Attorney for the Idaho State Police,
Bureau of Alcohol Beverage Control

FILED
BANNOCK COUNTY
CLERK OF THE COURT
2015 JAN 20 AM 9:53
BY [Signature]
DEPUTY CLERK

**IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK**

IN THE MATTER OF:)	Case No. CV-2014-4955-OC
)	
)	NOTICE OF LODGING THE
Senior Iguana's, Inc.)	SETTLED AGENCY RECORD
dba Senior Iguana's)	WITH THE DISTRICT COURT
961 Hilina Road)	
Pocatello, ID 83201)	

The Agency, Idaho State Police Alcohol Beverage Control, having received no objections to the Agency Record lodged with the Agency on December 31, 2014, NOTICE is hereby given that a copy of the settled agency record has been lodged with the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Bannock, pursuant to I.R.C.P. 84(k). The Agency Record includes all documents filed with the Agency that are applicable to the referenced matter. There are no costs to be paid that are associated with the Agency Record at this time.


NOTICE OF LODGING THE SETTLED AGENCY RECORD
WITH THE DISTRICT COURT - 1

naftz

The parties are also on notice that the agency record may change and/or this filing may become obsolete pending the results of proceedings in this matter.

DATED this 15th day of January 2015.

OFFICE OF THE ATTORNEY GENERAL
FOR THE STATE OF IDAHO

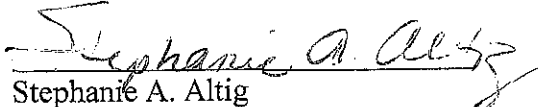

STEPHANIE A. ALTIG
LEAD DEPUTY ATTORNEY GENERAL
IDAHO STATE POLICE
ALCOHOL BEVERAGE CONTROL

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of January 2015, I caused to be served, a true and correct copy of the foregoing NOTICE OF LODGING THE SETTLED AGENCY RECORD WITH THE DISTRICT COURT in the above-referenced matter on the following individuals by the method indicated below:

Patrick N. George
RACINE OLSON NYE BUDGE & BAILEY
P O Box 1391
Pocatello ID 83204-1391

First Class Mail, postage prepaid


Stephanie A. Altig

FILED
BANNOCK COUNTY
CLERK OF DISTRICT COURT
2015 FEB -2 AM 8:16
BY all
DEPUTY CLERK

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT IN AND
FOR THE STATE OF IDAHO, COUNTY OF BANNOCK

SENOR IGUANA'S, INC. dba SENOR
IGUANA'S and MARCIA E. CORONA,

Petitioners,

vs.

IDAHO STATE POLICE, BUREAU OF
ALCOHOL BEVERAGE CONTROL,

Respondent.

Case No: CV-2014-0004955-OC

MINUTE ENTRY & ORDER

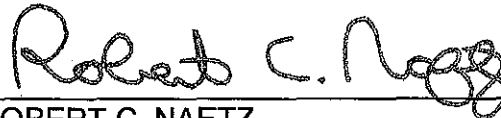
THE PARTIES came before the Court on the 26th day of January, 2015, for hearing on Petitioners' Motion for Stay Pending Resolution of the Petition for Judicial Review. Brett Cahoon appeared on behalf of the Petitioners. Stephanie Altig appeared telephonically on behalf of the Respondent. Stephanie Davis was the Court Reporter.

The Court notes that Petitioners filed additional documents in support of their motion, and the Idaho State Police filed their Objection to Petition for Judicial Review, Objection to Motion to Stay Pending Resolution of Petition for Judicial Review and Motion for Award of Reasonable Attorney Fees and Reasonable Expenses. The Court heard argument from counsel and after further discussion,

Case No.: CV-2014-0004955-OC
MINUTE ENTRY & ORDER
Page 1 of 2

IT IS HEREBY ORDERED that counsel for Respondent will submit points and authorities on case law cited during argument. Counsel for Petitioners will be allowed until 5:00 p.m. on February 17, 2015, to respond to Respondent's objections at which time the Court will take this matter under advisement and issue a written decision.

DATED this 30 day of January, 2015.




ROBERT C. NAFTZ
District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 2 day of ~~January~~ ^{February}, 2015, I served a true and correct copy of the foregoing document upon each of the following individuals in the manner indicated.

Brett R. Cahoon RACINE, OLSON, NYE, BUDGE & BAILEY, CHTD. P.O. Box 1391/Center Plaza Pocatello, ID 83204-1391	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> E-Mail <input type="checkbox"/> Hand Deliver <input type="checkbox"/> Fax:
Stephanie A. Altig Lead Deputy Attorney General Idaho State Police 700 South Stratford Drive Meridian, ID 83642	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> E-Mail <input type="checkbox"/> Hand Deliver <input type="checkbox"/> Fax:


Deputy Clerk

Patrick N. George (ISB No. 5983)
Brett R. Cahoon (ISB No. 8607)
RACINE, OLSON, NYE, BUDGE
& BAILEY, CHARTERED
P.O. Box 1391/Center Plaza
Pocatello, Idaho 83204-1391
Telephone: (208) 232-6101
Facsimile: (208) 232-6109

FILED
BANKNOCK COUNTY
CLERK OF THE COURT
2015 FEB 17 PM 4:52
BY [Signature]
DEPUTY CLERK

Case No. CV-2014-4955-OC

**SECOND AFFIDAVIT OF MARCIA E.
CORONA IN SUPPORT OF MOTION
TO STAY**

IDAHO STATE POLICE, BUREAU OF
ALCOHOL BEVERAGE CONTROL.

Respondent.

Marcia E. Corona, being first duly sworn, deposes and states as follows:

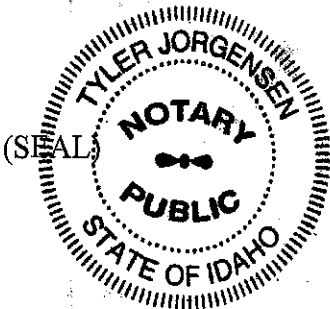
- SECOND AFFIDAVIT OF MARCIA E. CORONA IN SUPPORT OF MOTION TO STAY – Page 1

4. The Liquor License was purchased for the sum of \$65,000
5. In connection with the purchase of the Liquor License, the transfer fee of \$6,500 was paid to the State.
6. When I received the 2015 renewal application for the Liquor License, enclosed with the application were Instructions for Completing Annual Renewal Application. A true and correct copy of the Instructions for Completing Annual Renewal Application is attached hereto as **Exhibit A**.
7. After the Liquor License was renewed in October of 2014, Senor Iguanas continued to purchase alcohol from the Idaho State Liquor Store pursuant to and under the Liquor License for resale pursuant to the renewed 2015 Liquor License. True and correct copy of invoices for the period of November 8, 2014 through December 6, 2014 are attached hereto as **Exhibit B**.

DATED: This 17th day of February, 2015.

Marcia E. Corona
MARCIA E. CORONA, Affiant

SUBSCRIBED AND SWORN to before me, a Notary Public in and for said state, this 17th day of February, 2015.



[Signature]
Notary Public for Idaho
Residing at: Pocatello, ID
Commission expires: 3/11/22

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of February, 2015, I served a true and correct copy of the above and foregoing document to the following person(s) as follows:

Stephanie Altig
Office of Idaho Attorney General
Idaho State Police
700 W. Jefferson Street
P.O. Box 83720
Boise, ID 83720-0010

☒ U. S. Mail
Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile – (208) 884-7228


BRETT R. CAHOON

EXHIBIT A

New Mailing Address:

**700 S. Stratford Drive Ste 4
Meridian, ID 83642**

INSTRUCTIONS FOR COMPLETING ANNUAL RENEWAL APPLICATION

Contact ABC at 208-884-7060 if you have any questions

1. **REVIEW APPLICATION:** Review applicant information, including printed mailing address, and make any changes where necessary. **Failure to include the Seller's Permit Number on your application will result in the return of the application and will delay the issuance of the license. This number is issued by the Idaho Tax Commission; used to report Idaho Sales Taxes.**
2. **Fees: Return application with correct fees.** Applications submitted with incorrect or without payment will be returned. Checks, money orders or cashier's checks should be made payable to "State of Idaho." **Do not send cash.** Do not staple your payment to the application. Checks returned for insufficient funds or account closed will be subject to a **\$20 processing fee** and possible administrative action. *Note: If you are paying for the transfer and a renewal OR for several renewal licenses with one check, all applications must be completed or all applications and check will be returned to the applicant. It is best to send separate checks for each license.*
3. **Names of Individuals, partners & officers required:** All applicants must be listed. If the applicant is a registered partnership, corporation, or LLC list all required information for all partners, officers, top ten stockholders, and LLC members along with their titles. Attach an additional sheet if necessary. In the event of the addition or deletion of individuals/officers/members, you will need to provide the following: (Contact ABC for forms and more information)
 - a. Meeting minutes documenting the change(s)
 - b. Fingerprint Statement Forms and fingerprint cards for each new officer/partner/member/individual
 - c. \$34 for each newly submitted applicant's fingerprint card (Separate form of payment from renewal fees)
 - d. Official documents showing a name change, etc.
4. 5. 6. **Answer YES or NO** (If YES to any question, attach an explanation)
7. Floor plan is **only** required if changes have been made from previous years. If you sent a floor plan last year, a new floor plan is not required unless you have made any physical changes.
8. **Signature and notarization required:** A qualified applicant or agent of the applicant (i.e. authorized corporate officer) must sign the application and have their signature notarized. Applications that are not notarized, missing the notary's inked stamp or are not signed by applicant/agent will be returned.

[Brewery Licensees] If you are renewing a Brewery license, you will need to complete a Certificate of Annual Beer Production form before sending your application. The form can be printed off our website at www.isp.state.id.us/abc/certification.pdf. This form must be received in order to renew your license.

[Brewer's Pub Licensees] If you are renewing a Brewer's Pub license, you will need to complete a Supplemental Application for Brewer's Pub or Retail License. The form can be printed off our website at www.isp.state.id.us/brewers_pub.pdf. This form must be received in order to renew your license.

[Deadlines] Please keep in mind the expiration date of your current license. You will need to renew your license as soon as possible to continue operating. You may not sell alcohol if you do not have a current license posted in your establishment.

[Mailing] All licenses will be sent to the address indicated in the *Mailing Address* box on the application. Make sure the mailing address is correct. Letters requesting licenses to be sent to another address will not be accepted. We cannot express mail your license back to you unless you provide us with a prepaid and self-addressed Express Mail envelope when you submit your renewal application. For billing purposes, you must be listed as the sender and the receiver. ABC is not responsible for tracking your envelope once it leaves our office.

- YOU ARE RESPONSIBLE TO KEEP COPIES OF INFORMATION SUBMITTED. DOCUMENTS WILL NOT BE RETURNED TO YOU.
- FAXED COPIES OF APPLICATIONS WILL NOT BE ACCEPTED.
- IF AN APPLICATION MUST BE RETURNED FOR BEING INCOMPLETE, ABC MUST NOTIFY THE APPLICANT IN WRITING; NO TELEPHONE CALLS WILL BE MADE TO APPLICANTS.

EXHIBIT B

Idaho State Store # 212

Licensee Discount Voucher

Licensee # 375 (Senor Iguana's), invoice # 32

Contact: 208 233 4422 (Senor Iguanas Inc)

Sorted by department first, then NABCA

Comment:

Description	NABCA	Size		Bottles	Picked	Discount Price	Total
MNRCH LT TEQ PL	88088	1750	**	2 **		18.00	36.00
JOSE CUERVO ESPECIAL GOLD	89197	1000	**	1 **		21.33	21.33
CRUZAN BLACK CHERRY	44419	750		1		11.35	11.35
CRUZAN COCONUT	44476	750		1		11.35	11.35
CROWN ROYAL CANADIAN	11297	1000	**	1 **		28.45	28.45
IDAHO SL VOD PL	36438	1750	**	1 **		14.20	14.20
FIREBALL CINNAMON WHISKEY	64868	1750	**	1 **		26.55	26.55
Totals:				8			149.23

This product has been purchased in accordance with the Idaho code #23-217.

Sold by: _____

Received by: _____

Licensee # 375 (Senor Iguana's), invoice # 32

Online licensee ordering now available! To sign up, go to: <http://liquor.idaho.gov>

Select "Product Information", and then "Licensee Login". Then click "Request access here".

Idaho State Store # 7

Licensee Discount Voucher

Licensee # 375 (Senor Iguana's), invoice # 33

Contact: 208 233 4422 (Senor Iguanas Inc)

Sorted by department first, then NABCA

Comment:

Description	NABCA	Size	Bottles	Picked	Discount Price	Total
ARANDAS ORO TEQ	89058	1750 **	4 **		24.65	98.60
MALIBU COCONUT RUM LIQUEU	42717	1000 **	1 **		18.00	18.00
CRUZ RASPB RUM	44456	750	1		11.35	11.35
CRUZAN PINAPPLE	44506	750	1		11.35	11.35
IDAHO SL VOD PL	36438	1750 **	1 **		14.20	14.20
Totals:			8			153.50

This product has been purchased in accordance with the Idaho code #23-217.

Sold by: _____

Received by: _____

Licensee # 375 (Senor Iguana's), invoice # 33

Online licensee ordering now available! To sign up, go to: <http://liquor.idaho.gov>

Select "Product Information", and then "Licensee Login". Then click "Request access here".

Licensee Discount Voucher

Licensee # 375 (Senor Iguana's), invoice # 34

Contact: 208 233 4422 (Senor Iguanas Inc)

Sorted by department first, then NABCA

Comment:

Description	NABCA	Size	Bottles	Picked	Discount Price	Total
CP MRGN SPC RUM 1000	43337	1000 **	1 **		21.80	21.80
IDAHO SL VOD PL	36438	1750 **	2 **		14.20	28.40
Totals:			3			50.20

This product has been purchased in accordance with the Idaho code #23-217.

Sold by: _____

Received by: Cash

Licensee # 375 (Senor Iguana's), invoice # 34

Online licensee ordering now available! To sign up, go to: <http://liquor.idaho.gov>

Select "Product Information", and then "Licensee Login". Then click "Request access here".

Idaho State Store # 2

Licensee Discount Voucher

Licensee # 375 (Senor Iguana's), invoice # 35

Contact: 208 233 4422 (Senor Iguanas Inc)

Sorted by department first, then NABCA

Comment:

Description	NABCA	Size	Bottles	Picked	Discount Price	Total
PATRON SILVER	88296	750	1		42.70	42.70
ARANDAS ORO TEQ	89058	1750 **	4 **		24.65	98.60
CAZADORES TEQ	89121	750	1		25.60	25.60
MONTEGO BAY LT RUM PL	45098	1750 **	1 **		15.15	15.15
IDAHO SL VOD PL	36438	1750 **	1 **		14.20	14.20
KOENIG HUCKLEBERRY VODKA	41066	750	1		18.95	18.95
FIREBALL CINNAMON WHISKEY	64868	1750 **	1 **		26.55	26.55
DKY SOUR APPLE	82606	750	1		11.35	11.35
DKY PEACH SCHNP	82846	750	1		11.35	11.35
Totals:			12			264.45

This product has been purchased in accordance with the Idaho code #23-217.

Sold by: _____

Received by: _____

Licensee # 375 (Senor Iguana's), invoice # 35

Online licensee ordering now available! To sign up, go to: <http://liquor.idaho.gov>

Select "Product Information", and then "Licensee Login". Then click "Request access here".

Idaho State Store # 2

Licensee Discount Voucher

Licensee # 375 (Senor Iguana's), invoice # 36

Contact: 208 233 4422 (Senor Iguanas Inc)

Sorted by department first, then NABCA

Comment:

Description	NABCA	Size	Bottles	Picked	Discount Price	Total
ARANDAS ORO TEQ	89058	1750 **	3 **		24.65	73.95
CP MRGN SPC RUM 1000	43337	1000 **	1 **		21.80	21.80
CRUZ RASPB RUM	44456	750	1		11.35	11.35
CROWN ROYAL CANADIAN	11297	1000 **	1 **		28.45	28.45
JACK DANIEL'S BLK LBL TEN	26827	1000 **	1 **		27.50	27.50
IDAHO SL VOD PL	36438	1750 **	1 **		14.20	14.20
Totals:			8			177.25

This product has been purchased in accordance with the Idaho code #23-217.

Sold by: _____

Received by: _____

Licensee # 375 (Senor Iguana's), invoice # 36

Online licensee ordering now available! To sign up, go to: <http://liquor.idaho.gov>

Select "Product Information", and then "Licensee Login". Then click "Request access here".

Idaho State Store # 210

Licensee Discount Voucher

Licensee # 375 (Senor Iguana's), invoice # 37

Contact: 208 233 4422 (Senor Iguanas Inc)

Sorted by department first, then NABCA

Comment:

Description	NABCA	Size	Bottles	Picked	Discount Price	Total
POTTER LG ISLND	63302	1750 **	1 **		15.15	15.15
ARANDAS ORO TEQ	89058	1750 **	2 **		24.65	49.30
CRUZAN PINAPPLE	44506	750	1		11.35	11.35
POTTER CANADIAN	14268	1750 **	1 **		16.10	16.10
IDAHO SL VOD PL	36438	1750 **	2 **		14.20	28.40
MONARCH GIN	31416	750	1		7.08	7.08
Totals:			8			127.38

This product has been purchased in accordance with the Idaho code #23-217.

Sold by: _____

Received by: _____

Licensee # 375 (Senor Iguana's), invoice # 37

Online licensee ordering now available! To sign up, go to: <http://liquor.idaho.gov>

Select "Product Information", and then "Licensee Login". Then click "Request access here".

Idaho State Store # 2

Licensee Discount Voucher

Licensee # 375 (Senor Iguana's), invoice # 38

Contact: 208 233 4422 (Senor Iguanas Inc)

Sorted by department first, then NABCA

Comment:

Description	NABCA	Size	Bottles	Picked	Discount Price	Total
JOSE CUERVO ESPECIAL GOLD	89197	1000 **	1 **		21.33	21.33
CP MRGN SPC RUM 1000	43337	1000 **	1 **		21.80	21.80
CRUZAN COCONUT	44476	750	1		11.35	11.35
SMIRNOFF WHIPPED CREAM	40965	750	1		9.45	9.45
FIREBALL CINNAMON WHISKEY	64868	1750 **	1 **		26.55	26.55
Totals:			5			90.48

This product has been purchased in accordance with the Idaho code #23-217.

Sold by: _____

Received by: _____

Licensee # 375 (Senor Iguana's), invoice # 38

Online licensee ordering now available! To sign up, go to: <http://liquor.idaho.gov>

Select "Product Information", and then "Licensee Login". Then click "Request access here".

FILED
BANNOCK COUNTY
CLERK OF DISTRICT COURT
2015 MAR 13 AM 9:23
BY [Signature]
DEPUTY CLERK

**IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK**

SENOR IGUANA'S, INC. dba SENOR
IGUANA'S and MARCIA E. CORONA,

Petitioners,

vs.

IDAHO STATE POLICE, BUREAU OF
ALCOHOL BEVERAGE CONTROL,

Respondent.

Case No. CV-2014-4955-OC

**MEMORANDUM DECISION
and ORDER**

INTRODUCTION

This case comes before this Court pursuant to a Petition for Judicial Review and Motion to Stay Pending Resolution of Petition for Judicial Review entered by Senor Iguana's, Inc. and Marcia E. Corona ("the Petitioner" or "Ms. Corona"). By her motion, the Petitioner is seeking judicial review of the Order to Cease and Desist and Notice of Cancelled Retail Alcohol Beverage License issued against Senor Iguana's, Inc. by the Idaho State Police, Bureau of Alcohol Beverage Control ("ABC").

This Court heard oral arguments regarding this matter on January 26, 2015. During oral arguments, counsel for the Petitioner requested an opportunity to respond to the objections submitted by the Bureau of Alcohol Beverage Control. This Court allowed the Petitioner additional time to enter a response and also ordered the Respondent to submit points and authorities regarding case law cited during the hearing. The Court took the matter under

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Re: Petition for Judicial Review and Motion for Stay
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advisement after receiving Petitioner and Respondent's responses on February 17, 2015. Having now reviewed those additional briefs and points and authorities, and after receiving oral argument and reviewing the entire file, including the briefs filed by counsel, this Court enters the following Memorandum Decision and Order.

STANDARD OF REVIEW

The Petition for Judicial Review is brought pursuant to and is governed by the Idaho Administrative Procedures Act ("IDAPA"), IC § 67-5201, et seq. Under IDAPA, a decision rendered by the Bureau of Alcohol Beverage Control may be overturned only where its "findings, inferences, conclusion, or decisions are: (a) in violation of constitutional or statutory provisions; (b) in excess of the statutory authority of the agency; (c) made upon unlawful procedure; (d) not supported by substantial evidence on the record as a whole; or (e) arbitrary, capricious, or an abuse of discretion." IDAHO CODE ANN. § 67-5279(3) (2014)¹; *Cooper v. Bd. of*

¹ § 67-5279. **Scope of Review – Type of Relief.**

(1) The court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact.

...

(3) When the agency was required by the provisions of this chapter or by other provisions of law to issue an order, the court shall affirm the agency action unless the court finds that the agency's findings, inferences, conclusions, or decisions are:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) made upon unlawful procedure;
- (d) not supported by substantial evidence on the record as a whole; or
- (e) arbitrary, capricious, or an abuse of discretion.

If the agency action is not affirmed, it shall be set aside, in whole or in part, and remanded for further proceedings as necessary.

(4) Notwithstanding the provisions of subsections (2) and (3) of this section, agency action shall be affirmed unless substantial rights of the appellant have been prejudiced.

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Prof'l Discipline of Idaho State Bd. of Med., 134 Idaho 449, 454, 4 P.3d 561, 566 (2000). This Court “shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact.” IDAHO CODE ANN. § 67-5279(1). Furthermore, “agency action shall be affirmed unless substantial rights of the appellant have been prejudiced.” IDAHO CODE ANN. § 67-5279(4). Thus, the Petitioner has the burden to first demonstrate that ABC erred in a manner specified in IC § 67-5279(3) and then show that a substantial right was prejudiced thereby.

ISSUES

- A. Whether to grant the Petition for Judicial Review and Motion to Stay.
- B. Whether to grant attorney fees.

STATEMENT OF FACTS

Senor Iguana's, Inc., dba Senor Iguana's, was issued a Retail Alcohol Beverage License for the period of November 1, 2014 through October 31, 2015. That license was issued after Ms. Corona filed the annual renewal application with ABC on October 22, 2014, including a check in the required renewal fee amount. On October 28, 2014, Senor Iguana's check for the \$800.00 in renewal fees was returned for “Not Sufficient Funds” (“NSF”). ABC learned the renewal fee check had been returned NSF on November 4, 2014. On November 6, 2014, ABC Management Assistant Nichole Harvey sent a certified letter, return receipt requested, addressed to Senor Iguana's, Inc., 961 Hilene Road, Pocatello, ID 83201, advising Senor Iguana's that their 2015 license renewal fee check was returned NSF. The letter further advised that Senor Iguana's needed to submit a money order or cashier's check in the amount of \$800.00 by November 25, 2014, together with an additional separate money order or cashier's check in the amount of

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\$20.00 to cover the handling fee. Records indicate the letter arrived at the USPS Facility in Pocatello on November 9, 2014. The United States Postal Service left notice on November 10, 2014, at 12:00 p.m. with Senor Iguana's because no authorized recipient for the certified letter was available. The letter was available for pickup at the USPS Facility in Pocatello on November 14, 2014, but the letter was still unclaimed as of November 26, 2014. On November 29, 2014, the letter arrived at a USPS Facility in Salt Lake City, Utah. The letter then arrived at a USPS Facility in Boise, Idaho, on December 2, 2014. The letter was finally delivered to ABC in Meridian, Idaho, on December 3, 2014. The letter was marked: "RETURN TO SENDER. UNCLAIMED. UNABLE TO FORWARD."

On December 10, 2014, ABC Detective H. Caldera served the Order to Cease and Desist and Notice of Cancelled Retail Alcohol Beverage License ("Order to Cease and Desist") on Marcia Corona for Senor Iguana's at 961 Hilene Road in Pocatello, Idaho, and removed the license from the premises. Ms. Corona avers that the first time she "received notice that the Check had bounced was on December 10, 2014 when Detective Caldera ... delivered an Order to Cease and Desist and Notice of Cancelled Retail Alcohol Beverage License (the "Order") to Senor Iguana's premises." (Aff. of Marcia E. Corona in Supp. of Mot. to Stay, Jan. 7, 2015, 2:7.) Ms. Corona further stated:

When I received the renewed or reissued Liquor License, I assumed that the application and fee were both properly filed and received. Had I known that the Check had bounced and that ABC did not receive the renewal funds, I would have immediately corrected the problem and arranged for payment of the renewal fee.

(*Id.* at 2:9.) On the same day she received the Order to Cease and Desist, Ms. Corona, on behalf of Senor Iguana's, sent cashier's checks to ABC for the \$800.00 renewal fee and for the \$20.00 handling fee. On December 16, 2014, ABC returned the cashier's checks to Senor Iguana's, explaining that the license had been lost due to non-renewal and because sufficient funds were not received with the 2015 renewal.

Ms. Corona states she "never received a phone call from ABC informing her that the Check bounced, nor did she receive any mailing or other notification that the Check had bounced." (Mem. in Supp. of Mot. for Stay Pending Resolution of the Pet. For Judicial Review ("Mem. in Supp. of Mot. for Stay"), Jan. 7, 2015, 2.) Ms. Corona further argues: "ABC issued the Order without ensuring that either Ms. Corona or Senor Iguana's received notice that the Check had bounced and without notifying her that if the fee was not received that the Liquor License would be suspended or cancelled." (*Id.*) She also avers that "Senor Iguana's was open for business at the time the delivery person shows an attempted delivery, and Senor Iguana's regularly received deliveries of certified mailings at or around the time that the tracking shows there was an attempted delivery." (*Id.* at 2-3.)

DISCUSSION

Resolution of this matter hinges on whether the Liquor License expired by operation of law because the Petitioner failed to make a timely and sufficient application for renewal or whether ABC issued the Order cancelling the Liquor License without notice and without an opportunity to be heard in accordance with IC § 67-5247. (*See* Supplemental Br. in Supp. of Pet.

for Judicial Review and Mot. to Stay ("Suppl. Br."), Feb. 17, 8.) The Petitioner argues that

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“[b]ecause the Liquor License was renewed and was not set to expire until 10/31/2015, it did not simply expire by operation of law on 10.31.2014, plus 31 days.” (*Id.* at 7, internal citation omitted). Rather, the Petitioner argues that “ABC was required to take some sort of action to revoke or suspend the Liquor License and to cause the Petitioners to cease purchasing or selling alcohol under the license it renewed.” (*Id.*) In particular, the Petitioner points to IC § 67-5254(1). That statute states in pertinent part:

(1) An agency shall not revoke, suspend, modify, annul, withdraw or amend a license, or refuse to renew a license of a continuing nature when the licensee has made timely and sufficient application for renewal, unless the agency first gives notice and an opportunity for an appropriate contested case in accordance with the provisions of this chapter or other statute.

The Petitioner argues she took timely action to renew the license, and, in fact, did obtain a renewal of the license. The Petitioner points to the Instructions for Completing Annual Renewal Application sent to licensees by ABC, arguing:

There is nothing in these instructions, or the Idaho Code that would suggest that a renewed license with a new expiration date that has not yet lapsed would simply cease to exist or expire by operation of law. Instead the instructions simply state that a bounced check will result in a \$20 processing fee being imposed, or possible some other agency *action* being taken.

(*Id.* at 7-8.)

This Court first turns to Idaho Code § 23-908(1). Pursuant to that statute, the Idaho State Legislature set forth unambiguous rules establishing when a liquor license expires and when it can be renewed. Subsection one states in pertinent part:

§ 23-908. Form of license--Authority--Expiration--Limitations

(1) All licenses shall expire at 1:00 o'clock a.m. on the first day of the renewal month which shall be determined by the director by administrative rule and shall be subject to

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annual renewal upon proper application. The director will determine the renewal month by county based on the number of current licenses within each county, distributing renewals throughout the licensing year. The director may adjust the renewal month to accommodate population increases. Each licensee will be issued a temporary license to operate until their renewal month has been determined. Thereafter, renewals will occur annually on their renewal month. Renewal applications for liquor by the drink licenses accompanied by the required fee must be filed with the director on or before the first day of the designated renewal month. Any licensee holding a valid license who fails to file an application for renewal of his current license on or before the first day of the designated renewal month shall have a grace period of an additional thirty-one (31) days in which to file an application for renewal of the license. The licensee shall not be permitted to sell and dispense liquor by the drink at retail during the thirty-one (31) day extended time period unless and until the license is renewed.

Thus, under a plain reading of that statute, it is clear that annual renewals for a liquor license must be made through an application accompanied by a required fee no later than 31 days after the first day of the renewal month. Failure to follow that rule results in the expiration of the liquor license, and there is no other means available to renew the expired license. Furthermore, the director of the Idaho state police is only “empowered, authorized, and directed to issue licenses to *qualified applicants*” as provided by the rules governing alcoholic beverages and the retail sale of liquor by the drink. IDAHO CODE ANN. § 23-903(1)(2014)(emphasis added).² Thus,

² § 23-903. License to retail liquor

(1) The director of the Idaho state police is hereby empowered, authorized, and directed to issue licenses to qualified applicants, as herein provided, whereby the licensee shall be authorized and permitted to sell liquor by the drink at retail and, upon the issuance of such license, the licensee therein named shall be authorized to sell liquor at retail by the drink, but only in accordance with the rules promulgated by the director and the provisions of this chapter. No license shall be issued for the sale of liquor on any premises outside the incorporated limits of any city except as provided in this chapter and the number of licenses so issued for any city shall not exceed one (1) license for each one thousand five hundred (1,500) of population of said city or fraction thereof, as established in the last preceding census, or any subsequent special census conducted by the United States bureau of the census or by an estimate that is statistically valid including adding the number of new residential utility connections or including adding the population of areas annexed into the city after the last census or special census was conducted, except that upon proper application thereof not more than two (2) licenses may be issued for each incorporated city with a population of one thousand five hundred (1,500) or less, unless the retail licensing of liquor by the drink has been previously disapproved under the provisions of sections 23-917, 23-918, 23-919, 23-920 and 23-921, Idaho Code; provided,

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one of the requirements for the issuance of a license is the payment of the fee before the end of the renewal period; and, if that requirement is not satisfied, there is no further mechanism for renewing an expired license.

In this case, Senor Iguana's submitted a timely application for renewal of its liquor license together with a check in the amount of the required fee. Following receipt of the application, but before the check cleared, ABC issued a renewed license. However, after the license had been renewed, it was discovered that the renewal fee check had bounced. At that point, ABC sent a certified letter advising Senor Iguana's that their 2015 license renewal fee check was returned "not sufficient funds." The letter further advised that Senor Iguana's needed to submit a money order or cashier's check in the amount of \$800.00 by November 25, 2014, together with an additional separate money order or cashier's check in the amount of \$20.00 to cover the handling fee. (Ex. 7, attached to Settled Agency Record, Jan. 15, 2015.) Senor Iguana's took no immediate action. On December 10, 2014, ABC served the Order to Cease and Desist and Notice of Cancelled Retail Alcohol Beverage License on Marcia Corona and removed the license from Senor Iguana's premises. On that same date, Ms. Corona sent cashier's checks to ABC in the proper amounts. However, ABC returned those checks with an explanation that

however, that any license heretofore issued may be renewed from year to year without regard to the population or status of the city for which such license is issued. Any license issued and which has remained in effect at its location for a consecutive period of ten (10) years or more shall be deemed to have been validly issued and may be renewed from year to year provided, however, that the applicant for the renewal of such license is not otherwise disqualified for licensure pursuant to section 23-910, Idaho Code, and, if the premises required special characteristics for original licensure, other than being either within or without the incorporated limits of a city, that said premises continue to have such special characteristics at the time of the application for renewal.

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the license had been lost “because sufficient funds were not received” with the renewal application.

Other district courts have examined similar fact scenarios where a licensee submits a timely application for renewal together with a check in the amount of the required fee, only to have the check bounce after a renewed license has been issued. While not controlling, this Court still finds those decisions to be instructive. In particular, this Court looked to *Sagebrush Inn, Inc. v. Bureau of Alcohol Beverage Control*, No. CV2011-0000053, Fifth Judicial District of the State of Idaho, Gooding County, Mem. Decision and Order, May 10, 2011, and *The “O” LLC v. Bureau of Alcohol Beverage Control*, CV2011-4243, Fifth Judicial District of the State of Idaho, Twin Falls County, July 16, 2012. In both cases, ABC issued liquor licenses before learning the petitioners’ checks were returned NSF. Neither petitioner took action during the grace period required for renewal of the licenses. Thereafter, ABC issued orders to cease and desist and the liquor licenses were eventually cancelled. The district judges in both cases determined the renewed liquor licenses still expired by operation of the law notwithstanding a renewed and extended expiration date. The *Sagebrush* case is particularly on point. Like Ms. Corona, the petitioner in the *Sagebrush* case also sent in the renewal fee amount and handling fee after the license had been cancelled. However, the district court concluded that the Director of the Idaho State Police “cannot be found to have abused his discretion because in the context of timelines to renew the liquor license at issue, he simply had no discretion to abuse. The legislature enacted renewal requirements that are mandatory, and if not, the Director cannot renew the license.”

Sagebrush, No. CV2011-0000053 at 11. That conclusion was based on the finding that the
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Re: *Petition for Judicial Review and Motion for Stay*
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“renewal application accompanied by the required fee mandated by law was not filed with the ABC on or before its renewal month nor within the 31-day grace period.” *Id.* Like the facts in this case, the check in *Sagebrush* was NSF. ABC tried to advise the business of the problem to no avail, but the fee was not tendered again until after the license expired and the 31-day grace period had run. *Id.*

This Court agrees with the conclusions reached by other district court judges. Where a renewal check is returned NSF, the license renewal requirements contained in IC § 23-908 have not been satisfied. To complete a timely and sufficient application for renewal, the application must be accompanied by the fee within the 31-day grace period. IDAHO CODE ANN. § 23-908(1). If the fee requirements are not satisfied, there is no further mechanism for renewing an expired license. Since the fee in this case did not accompany the application and was not filed within the grace period, Senor Iguana’s application for the liquor license was not “sufficient and timely.” Therefore, ABC was not required to provide notice or any opportunity for a contested case under IC § 67-5254(1) before the liquor license was cancelled because application for renewal was never made. There was no license once the grace period expired.

As explained, the Petitioner has the burden to first demonstrate that ABC erred in a manner specified in IC § 67-5279(3) and then show a substantial right was prejudiced thereby. Based on the preceding discussion, the Petitioner has not met her burden. In particular, because the Director had no authority or discretion to renew the expired license after the grace period ended, the Director’s decision to not renew Senor Iguana’s expired license cannot be arbitrary,

capricious or an abuse of discretion. Furthermore, Because Senor Iguana’s application lacked

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the statutorily required fee, the application for renewal was never made, and there was no license once the grace period ended. Because there was no license, ABC was not required to take any action to cancel any previously issued license. Therefore, there were no rights or privileges to cancel, revoke, annul or adjudicate. As such, no substantial rights of the Petitioner were affected. Therefore, the Petition for Judicial Review and Motion to Stay must be DISMISSED.

2. Whether ABC is entitled to an award of costs and fees.

ABC also requested an award of attorney fees and expenses pursuant to Idaho Code § 12-117. That statute states in pertinent part:

[I]n any proceeding involving as adverse parties a state agency ... and a person, the state agency, political subdivision or the court hearing the proceeding, including on appeal, shall award the prevailing party reasonable attorney's fees, witness fees and other reasonable expenses, if it finds that the nonprevailing party acted without a reasonable basis in fact or law.

IDAHO CODE ANN. § 12-117(1)(2014)³. The Bureau of Alcohol Beverage Control is a state agency. IDAHO CODE ANN. § 12-117(5)(d)(2013).

³ § 12-117. Attorney's fees, witness fees and expenses awarded in certain instances

(1) Unless otherwise provided by statute, in any proceeding involving as adverse parties a state agency or a political subdivision and a person, the state agency, political subdivision or the court hearing the proceeding, including on appeal, shall award the prevailing party reasonable attorney's fees, witness fees and other reasonable expenses, if it finds that the nonprevailing party acted without a reasonable basis in fact or law.

(2) If a party to a proceeding prevails on a portion of the case, and the state agency or political subdivision or the court hearing the proceeding, including on appeal, finds that the nonprevailing party acted without a reasonable basis in fact or law with respect to that portion of the case, it shall award the partially prevailing party reasonable attorney's fees, witness fees and other reasonable expenses with respect to that portion of the case on which it prevailed.

(3) Expenses awarded against a state agency or political subdivision pursuant to this section shall be paid from funds in the regular operating budget of the state agency or political subdivision. If sufficient funds are not available in the budget of the state agency, the expenses shall be considered a claim governed by the provisions of section 67-2018, Idaho Code. If sufficient funds are not available in the budget of the political subdivision, the expenses shall be considered a claim pursuant to chapter 9, title 6, Idaho Code. Every state agency or political subdivision against which litigation expenses have been awarded under this act shall, at the time of submission of its proposed budget,

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Re: Petition for Judicial Review and Motion for Stay
Case No. CV-2014-4955-OC

It is important to highlight I.C. § 12-117's requirement that a losing party must act "without a reasonable basis in fact or law" before fees can be awarded. *See Lake CDA Investments LLC v. Idaho Dep't of Lands*, 149 Idaho 274, 284, 233 P.3d 721, 731 (2010) (explaining the requirement that a losing party act unreasonably in the litigation before I.C. § 12-117 applies).

City of Osburn v. Randel, 152 Idaho 906, 909, 277 P.3d 353, 356 (2012). Thus, in order to award fees pursuant to IC § 12-117, "the party seeking fees must be the prevailing party and the losing party must have acted without a reasonable basis in fact or law." *Id.* at 910, 277 P.3d at 357. The Supreme Court has further "focused on the mandatory nature of the statute's language" and "interpreted I.C. § 12-117 to *require* a fee award" where a party acts without a reasonable factual or legal basis. *Id.* A decision regarding an award of attorney fees under IC § 12-117 is subject to an abuse of discretion standard. *Id.* at 908, 277 P.3d at 355.

ABC is clearly the prevailing party in this case and therefore entitled to an award of fees so long as the Petitioner acted "without a reasonable basis in fact or law". In relation to that requirement, ABC argued: "Based on the Idaho Supreme Court's decision in *BV Beverage*, the present case is not one of first impression and Senor Iguana's did not present a 'legitimate

submit a report to the governmental body which appropriates its funds in which the amount of expenses awarded and paid under this act during the fiscal year is stated.

...

(5) For purposes of this section:

(a) "Person" means any individual, partnership, limited liability partnership, corporation, limited liability company, association or any other private organization;

(b) "Political subdivision" means a city, a county, any taxing district or a health district;

(c) "Proceeding" means any administrative proceeding, administrative judicial proceeding, civil judicial proceeding or petition for judicial review or any appeal from any administrative proceeding, administrative judicial proceeding, civil judicial proceeding or petition for judicial review.

(d) "State agency" means any agency as defined in section 67-5201, Idaho Code.

...

Memorandum Decision and Order

Re: Petition for Judicial Review and Motion for Stay

Case No. CV-2014-4955-OC

question for this Court to address.” (Obj. to Pet. for Judicial Review at 15, internal citations omitted.)

This Court, having considered the parties’ arguments and the issues raised, cannot find that the Petitioner acted unreasonably in pursuit of her case. While the record supports the Bureau’s actions in issuing the Cease and Desist Order and cancelling the liquor license, the Petitioner made reasonable arguments against that decision, including distinguishing her case from the holding in *BV Beverage*. As such, ABC is not entitled to an award of fees pursuant to IC § 12-117.


CONCLUSION

Based on the preceding discussion, this Court finds that the Petition for Judicial Review and Motion to Stay is DISMISSED.

This Court has also determined ABC is the prevailing party. However, since the Petitioner did not act without a reasonable basis in law or fact, ABC is not entitled to an award of attorney’s fees.

IT IS SO ORDERED.

Dated this 10 day of March, 2015.


ROBERT C. NAFTZ
District Judge

Copies to:

Brett R. Cahoon
Stephanie A. Altig

Memorandum Decision and Order

Re: *Petition for Judicial Review and Motion for Stay*
Case No. CV-2014-4955-OC

FILED
BANNOCK COUNTY
CLERK OF DISTRICT COURT
2015 MAR 13 AM 9:23
BY [Signature]
DEPUTY CLERK

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

SENOR IGUANA'S, INC. dba SENOR
IGUANA'S and MARCIA E. CORONA,

Petitioners,

vs.

IDAHO STATE POLICE, BUREAU OF
ALCOHOL BEVERAGE CONTROL,

Respondent.

Case No. CV-2014-4955-OC

JUDGMENT

JUDGMENT IS ENTERED AS FOLLOWS: Petitioner's Petition for Judicial Review
and Motion to Stay are dismissed with prejudice.


Dated this 10 day of March, 2015.

[Signature]
ROBERT C. NAFTZ
District Judge

Copies to:

Brett R. Cahoon
Stephanie A. Altig

Patrick N. George (ISB No. 5983)
Brett R. Cahoon (ISB No. 8607)
RACINE, OLSON, NYE, BUDGE
& BAILEY, CHARTERED
P.O. Box 1391/Center Plaza
Pocatello, Idaho 83204-1391
Telephone: (208) 232-6101
Facsimile: (208) 232-6109

CLERK OF THE COURT
2015 APR 23 PM 3:58
BY 
DEPUTY CLERK

Attorneys for Plaintiffs

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

SENOR IGUANA'S, INC. dba SENOR
IGUANA'S and MARCIA E. CORONA,

Petitioners,

vs.

IDAHO STATE POLICE, BUREAU OF
ALCOHOL BEVERAGE CONTROL,

Respondent.

Case No. CV-2014-4955-OC

NOTICE OF APPEAL

TO: THE ABOVE NAMED RESPONDENT IDAHO STATE POLICE, BUREAU OF ALCOHOL BEVERAGE CONTROL, AND ITS ATTORNEYS STEPHANIE A. ALTIG, 700 S. STRATFORD DRIVE, AND THE CLERK OF THE ABOVE ENTITLED COURT.

NOTICE IS HEREBY GIVEN THAT:

1. The above named Appellant, SENOR IGUANA'S, INC. dba SENOR IGUANA'S and MARCIA E. CORONA, appeals against the above named Respondent to the Idaho Supreme Court from the Memorandum Decision and Order and Judgment, filed in the above-entitled action on the 13th day of March, 2015, Honorable Judge Robert C. Naftz presiding.

2. That the Appellant has a right to appeal to the Idaho Supreme Court, and the judgment described in paragraph 1 above is appealable under and pursuant to Rule 11(f), I.A.R.

3. The preliminary issues on appeal include:

a. Whether the district court erred in denying and dismissing Petitioners' Petition for Review of the Respondent's Order to Cease and Desist and Notice of Cancelled Retail Alcohol Beverage License, including:

i. The court's failure to determine whether the issuance of the Respondent's Order cancelling the Petitioners' liquor license was a violation of the Petitioners' due process rights and hence a violation of constitutional provisions; and

ii. The court's failure to determine whether the Respondent's Order was made upon unlawful procedure, or whether the court otherwise erred in ruling that the Respondent's Order was made upon lawful procedure.

b. Whether the district court erred in ruling that the Respondent's Order was not an abuse of discretion based upon the court's position that the Respondent did not have discretion to renew the liquor license when the record showed that the Respondent had already renewed the license, and this was not an issue of refusal to renew a license, but rather the unlawful cancellation of an already renewed license;

c. Whether the district court erred in ruling that the renewed liquor license expired by operation of law, where the renewed license did not expire until October 31, 2015; and

d. Whether the district court erred in ruling that the Respondent was not required to take any action to cancel any previously issued license where the record shows that the Respondent issued an Order and sent a detective to remove the renewed liquor license from the Petitioners' business; and

- e. Whether the district court erred in finding that no substantial rights of the Petitioners were affected by the Respondent's issuance of the Order to Cease and Desist and Notice of Cancelled Retail Alcohol Beverage License, and the confiscation of the renewed liquor license without the Petitioners actually receiving notice or having an opportunity to be heard.
4. No order has been entered sealing any portion of the record.
5. The appellant requests the preparation of the following portions of the reporter's transcript in ☐ hard copy ☐ electronic format ☒ both:
- a. The hearing on the Petitioners Motion for Stay held on January 26, 2015.
6. The Appellant requests the following documents to be included in the clerk's record in addition to those automatically included under Rule 28, I.A.R.:
- a. The Motion for stay pending resolution of the Petition for Judicial review dated January 7, 2015;
- b. The Affidavit of Marcia E. Corona In Support of Motion to Stay dated January 7, 2015;
- c. The Notice of Lodging the Settled Agency Record with the District Court dated January 20, 2015;
- d. The Table of Contents for the Settled Agency Record together with the Exhibits attached thereto dated January 20, 2015;
- e. The Second affidavit of Maricia E Corona in support of motion to stay dated February 17, 2015;
- f. The Memorandum Decision and Order dated March 13, 2015;
- g. The Judgment dated March 13, 2015.

7. The appellant requests the following documents, charts, or pictures offered or admitted as exhibits to be copied and sent to the Supreme Court:

a. None.

8. I certify that:

a. A copy of this notice of appeal has been served on the reporter, Stephanie Davis, at the Bannock County Courthouse.

b. That the estimated fee for preparation of the reporter's transcript has been requested and will be paid.

c. That the estimated fee for preparation of the clerk's record has been requested and will be paid.

d. That the appellate filing fee has been paid.

e. That service has been made upon all parties required to be served pursuant to Rule 20.

DATED this 23rd day of April, 2015.

RACINE, OLSON, NYE, BUDGE
& BAILEY, CHARTERED

By: B. R. Cahoon
BRETT R. CAHOON

CERTIFICATE OF SERVICE

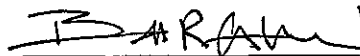
I HEREBY CERTIFY that on the 23rd day of April, 2015, I served a true and correct copy of the above and foregoing document to the following person(s) as follows:

Stephanie Altig
Office of Idaho Attorney General
Idaho State Police
700 W. Jefferson Street
P.O. Box 83720
Boise, ID 83720-0010

☒ U. S. Mail
Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile – (208) 884-7228

Stephanie Davis
624 E Center, Room 220
Pocatello, ID 83201

☒ U. S. Mail
Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail



BRETT R. CAHOON

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

SENOR IGUANA'S, INC. dba SENOR)	
IGUANA'S and MARCIA E. CORONA,)	
)	
Petitioners,	)	Supreme Court No.
)	
vs.)	
	)	CLERK'S CERTIFICATE
IDAHO STATE POLICE, BUREAU OF	)	OF
ALCOHOL BEVERAGE CONTROL,	)	APPEAL
)	
Respondent,)	
)	

Appealed from: Sixth Judicial District, Bannock County

Honorable Judge Robert C. Naftz presiding

Bannock County Case No: CR-2014-4955-OC

Order of Judgment Appealed from: Memorandum Decision and Order filed the 13th day of March, 2015 and Judgment filed the 13th day of March, 2015.

Attorney for Appellant: Brett R. Cahoon, Racine, Olson, Nye, Budge & Bailey, Chartered, Pocatello.

Attorney for Respondent: Stephanie Altig, Office of Idaho Attorney General, Idaho State Police, Boise

Appealed by: Senor Iguana's Inc. dba Senor Iguana's and Marcia E. Corona

Appealed against: Idaho State Police, Bureau of Alcohol Beverage Control

Notice of Appeal filed: April 23, 2015

Notice of Cross-Appeal filed: Yes

Appellate fee paid: No, exempt

Request for additional records filed: No

Request for additional reporter's transcript filed: No

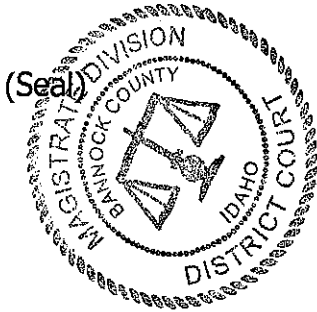
Name of Reporter: Stephanie Davis

Was District Court Reporter's transcript requested? Yes

Estimated Number of Pages: Less than 100

Dated April 24, 2015

ROBERT POLEKI,
Clerk of the District Court



By [Signature]
Deputy Clerk

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

SENOR IGUANA'S, INC. dba SENOR
IGUANA'S and MARCIA E. CORONA,

Petitioners-Appellants,

v.

IDAHO STATE POLICE, BUREAU OF
ALCOHOL BEVERAGE CONTROL,

Respondent,

Supreme Court No. 43158

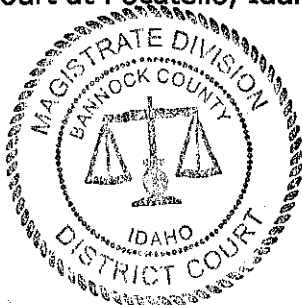
CLERK'S CERTIFICATE

I, Robert Poleki, Clerk of the District Court of the Sixth Judicial District, of the State of Idaho, in and for the County of Bannock, do hereby certify that the above and foregoing record in the above-entitled cause was compiled and bound under my direction as, and is a true, full, and correct record of the pleadings and documents as are automatically required under Rule 28 of the Idaho appellate Rules.

I do further certify that there were no exhibits marked for identification or admitted into evidence during the course of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Pocatello, Idaho, this 22 day of June, 2015.

(Seal)



ROBERT POLEKI,
Clerk of the District Court,
Bannock County, Idaho Supreme Court

By 
Deputy Clerk

CLERK'S CERTIFICATE

(Seal)



ROBERT POLEKI,
Clerk of the District Court
Bannock County, Idaho Supreme Court

By 
Deputy Clerk